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THE
LIVES
OF ALL THE
LORDS Chancellors,
LORDS Keepers,
AND
LORDS Commissioners,
OF THE
Great Seal of *England*;

From *WILLIAM* the Conqueror,
to the Present Time:

But more at large of those Two Great Opposites,
EDWARD Earl of *Clarendon*,
AND
BULSTRODE Lord *Whitlock*.

With a PARALLEL of their ACTIONS.

To which is added,

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THE
LIVE

OF ALL THE

LORDS CHANCELLORS

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LORDS CHANCELLORS
OF THE
Great Seal of England;

EDWARD I. King of England
and Lord of Ireland
By more than one of his two Great Officers
of the Privy Seal

AND
EDWARD II. King of England
and Lord of Ireland
With a PARALLEL of the ACTS
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By an Imperial Baron

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Sign of the Graven Hand, in the Strand, 1775.
Went. from Goodman, & W. Nichol, at the
Sign of the Graven Hand, in the Strand, 1775.

THE
PREFACE.

BIOGRAPHY being a Way of Writing abundantly warranted by Ancient and Modern Practice, and usually affording the best Materials for General History, there needs no Apology to be made for it in this Place. And as all those who have been any thing conversant with the History and Transactions of the last Century, must readily own, That *Clarendon* and *Whitlock* had a very large Share in the Management of the most important and secret Affairs of these Nations, both at Home and Abroad, though of opposite Interests, for many Years together: So consequently the more distinctly and methodically their Lives and Actions are represented, the better Views and Ideas we shall have of the Times they lived in, and the sounder Judgment we shall make of Right and Wrong, to guide us in the

A 2 Way

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Way of our Duty to that Government and Constitution we live under.

'TIS true, they have both writ very largely of the Affairs transacted in part of their Times: But that having been done, I say but in part, this Attempt might be sufficiently justified, were there no other Reason for it, but that it may serve as a kind of Supplement to their Works. It must be acknowledg'd, they have been both helpful: But lest any Body should imagine, That the Earl of *Clarendon's* Life is made up out of his own Voluminous History, they will soon, upon Perusal, find, That the far greater part of it is quite otherwise. The last Scene of his Life, *viz.* from the Restoration, where his own History ends, has afforded us the most Materials; wherein the Calumnies wherewith this great Man was and is still persecuted, are examined and detected: But of *Whitlock*, the middlemost, towards whose Life his own Memorials have been very useful; by which, however, those who are well acquainted with their scattered and promiscuous Nature, will agree with us, That they can retain but very imperfect Idea's of it: Not but that they will find we have consulted and made use of a great many other very scarce and necessary Materials; of which, that Conference with *Oliver Cromwell*, about assuming the Title
of

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of King, is very worthy the Reading and Observation of all Antimonarchical Persons for their Conviction, as well as of the Lovers of a Regal Constitution and Government, for their Confirmation.

THE Original Design was to write only the Lives of these Two great Men; and, if there had been any Possibility of effecting it, to have composed them, as they were Opposites, in Columns, against one another; but that being found wholly impracticable, we have given you a short and concise Parallel between them at the End of the Second Volume; *Plutarch*, that learned Greek, having many Ages past, set us an Example for it.

BUT considering afterwards, That the Work would be render'd much more compleat by adding a succinct Account of the Lives of all the Lords Chancellors, Lords Keepers, and Lords Commissioners, of the Great Seal of *England*, since the Conquest to this present Time, we have adventured upon it, though a Work of much Toil and Difficulty; and that is one Reason why *Clarendon* and *Whitlock* do not fall into their proper Order of Succession; though, on the other hand, many others might be assigned for their being placed as they are.

I N D E E D, Sir *William Dugdale*, in his *Origines Juridiciales*, has shewed an

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indefatigable Industry to give us a Catalogue of their Names, the Times of their Advancement to their respective Dignities, and when the Seal was taken from them : But, notwithstanding all his Perspicacity, some Mistakes and Omissions have happen'd, which we have endeavoured to rectify and supply by all the Helps we could meet with : And whereas some may object, there is but very little said of several of them, they should rather wonder, considering the Remoteness and Obscurity of the Times, and the Ignorance of the Ages wherein many of them lived, we should be enabled to give any Account at all of them : Besides, the Novelty of the Attempt ought to be allowed as some Plea in our Favour, this being the first of the Kind that we know of in the World.

DUGDALE, generally speaking, has thought fit to omit those out of his Catalogue, who had the Custody of the Great Seal in such Times as he took the Authority to be illegal and usurped ; and this, we presume, is the Reason why Sir *John Fortescue*, Chancellor to *Henry VI.* after he was first outed by *Edward IV.* is not at all taken notice of by him. We acknowledge our Fault in following him too close in this one Particular ; but we have supplied the Defect at the End of the other Lives, and are not sensible that
we

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we have erred in respect to any other whatever ; our Intention being to comprehend all that ever had the Possession of the Great Seal, whether as Chancellors, Keepers, or Commissioners, in all the Changes and Revolutions that have happened to these our Days.

T H E Reason for the Supplement is very obvious : It consists chiefly of Speeches, Letters, &c. relating to some of these Compendious Lives ; which being usually short, and indeed but a few of them capable of greater Enlargements, it would have been preposterous to have inserted them there at Length : But yet most of them being very scarce, full of Eloquence, and containing admirable Turns of Wit and Sense, it was pity to leave them out, when there was a just Handle given to insert them. A few other Things there are put to them, which, if not referring immediately to the Persons, refer to the Times, and may serve to supply some of the Defects of all the State-Tracts that are yet extant.

A S we have thought it would not be unacceptable, to give brief Hints here and there of the Ancestors and Descendants of these great Men, so far as we have been capable to trace them ; so we have, as much as possibly we could, avoided all manner of Censures and Reflections, unless where the Crimes were

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very open and detestable, and yet then but sparingly. If, after so long a Series of Years, wherein so many reproachful Terms and scandalous Distinctions have swarmed, sincere Wishes could prevail, the *Augustean* Age should return again, in which *Livy* durst not only make honourable Mention of *Scipio* and *Africanus*, but even of *Brutus* and *Cassius*, often styling them Excellent Men; and yet he was not the less beloved by *Octavius Caesar*, nor received any other Reprimand from him than to be called *Pompeianus*. And this concludes the Preface to the following Lives.

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IT's the Opinion of several Learned Men, That the Court of Chancery, which holds the First Rank among the rest of the Courts, had its Name Originally from certain Wooden or Iron Bars laid Latice-wise cross one another, within which the Judge of the Court sate, the better to keep off the Press of the People; such Grates or Bars being called Cancelli by the Romans: And hence the East End of Churches, being separated per Cancellos from the Body of the Church, as peculiarly belonging to the Priest, were called Chancels. Farther, That it was the Office of the Chancellor at first to register the Acts and Decrees of the Judges. Thus Lupanus, Qui conscribendis & excipiendis Judicum Actis dant operam: And Pythæus will have him to have been the same as we now call Secretary. But be this as it will, this Office has been so far advanced in Dignity with us, as well as in other Nations, that he who held it, had the chief Administration of Justice, especially in private Causes, next under the Prince.

A S to the Antiquity of it in England, it mounts as high, according to the Learned Selden, as King Ethelbert's Time, who was the first Christian King of the Saxons: Since, in a Charter of his to the Church of Canterbury, dated Anno 605. Augemundus

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us Referendarius is mentioned among other Witnesses, where Referendarius, says he, may well stand for Cancellarius; and that the Office of both, as the Words applied to the Court were used in the Code, Novels, and History of the Bass Empire, implied an Officer who received Petitions and Supplications to the King, and made out his Writs and Mandates, as a Custos Legis. And, continues that Excellent Author, there were divers Referendarii, as sometimes Eight, sometimes Thirteen, and more again another while: So also it was in Respect to the Chancellors of the Empire; and yet one more particularly in this Island, that exercised an Office in the Nature of those many, might well be stiled by either of those Names.

IT will be a much harder Task than any Man living dare undertake, to exhibit a perfect Series of these Great Officers in the successive Reigns of the Kings of the Saxon Race, till the Norman Line prevailed. We shall therefore content our selves with a bare mentioning of the Names of such, for which we have met with good Authority: Of these, Unwona is the first, who is stiled in Matthew Paris, Cancellarius to Offa, King of the Mercians, who began his Reign, Anno 758. Bosa is the next, in the Time of King Withfale, about 825. but stiled Scriba by Ingulphus: After him we meet with Swithulphus, in the Time of King Berthulph, about the Year 851. and called Notarius by the same Author.

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TURKETILL bore this Office in the Reign of Edward the Elder, concerning whom Ingulphus has these Words ; Cancellarium suum eum constituit, ut quæcunque negotia Temporalia vel Spiritualia, Regis Judicium expectabant, illius Consilio & Decreto, (tam Sanctæ Fidei & tam profundi Ingenii tenebatur) omnia tractarentur & tractata irrefragabilem sententiam sortirentur : This Turketill likewise continued in that Office, we find by the same Author, under King Athelstan, Edmond and Edred, all of them the Sons and Successors of Edward the Elder, he being at the same time Consiliarius Primus, præcipuus, & a Secretis Familiarissimus ; and in his old Age was made Abbot of Croyland.

WE find Adulphus was Chancellor to King Edgar ; and by Matthew Paris, That Alfric bore that Office in Ethelred's Time, he being the Eleventh Abbot of St. Alban's : And Sir Henry Spelman also makes it appear, That the same King Ethelred appointed and ordained the Abbots of Ely, St. Augustine's in Canterbury, and Glasfoubury, should alternatively Exercise the Office of Chancellor, by dividing the Year into Three Parts between them. That the Kings before mentioned, had not any Seals, (the Custody of which in succeeding Times became the Badge, and One of the principal Duties belonging to the Chancellor's Office) Ingulphus, who lived in William the Conqueror's

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queror's Time, seems somewhat positively to affirm in these Words: Nam Chirographorum Confectionem Anglicanam, quæ antea usque ad Edwardi Regis tempora, fidelium præsentium Subscriptionibus, cum crucibus aureis, aliisque sacris signaculis firma fuerunt; Normanni condemnantes, Chirographa Cartas vocabant, & Cartarum firmitatem, cum & cerea Impressione, unius cujusque speciale Sigillum, sub Instillatione trium vel quatuor testium adstantium, conficere constituebant, &c.

BUT that Seals were used long before this by the French, is a Matter without all doubt, since, in a Charter of the Emperor Charles the Great, King of France, made to the Monastery of Karrof, in Poictou, of his own Foundation, we have these Words: Et ne hæc presens Autoritas, nostris & futuris temporibus, inviolata perdurare valeat, manus nostræ signaculis, eam decrevimus roborari, & de Annulo nostro Jussimus Sigillari. We have in like manner the following Expressions in another of Lewis the Emperor, Son and Successor of Charles the Great, bearing Date in the Year 814. Hæc vero Auctoritas, ut nostris futurisque Temporibus melius credatur & manu propria Subscripsimus, & de Annulo nostro Jussimus Sigillari.

NAY, There are some learned Men of Opinion, That the Charter of King Edgar to the Monastery of Pershore in Worcester-shire, which began thus, P. Orthodoxorum

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rum vigoris Ecclesiasticâ monitu creber-
rime instruimur, &c. *and whereon there are
apparent Signs of Three Labels, by the Places
cut therein for them, had Three Seals hang-
ing thereunto, viz. One of King Edgar,
another of St. Dunstan, and the Third of
Alferus, afterwards Duke of Mercia; And
as a farther Proof thereof, these Words in
a Letter from Godfrey, Archdeacon of
Worcester, to Pope Alexander III. were
cited: Noverit Sanctitas vestra, verum
esse, quod conscripti hujus conscriptum
Originale, in virtute S. Trinitatis, Sigilla
tria, trium personarum Authenticarum,
ad veritatem triplici Confirmatione com-
mendat: Est autem Sigillum primum il-
lustris Regis Edgari, secundum S. Dun-
stani Cantuar. Archiepiscopi, tertium
Alferi, Ducis Merciorum, sicut ex dili-
genti, literarum impressarum inspectione
evidenter accepi, &c.*

*F O R a farther Confirmation of these
Things, some have produced the Testimony
of Sulcardus, a Monk of Westminster, in
his Register concerning the same King Ed-
gar's Charter to that Abbey, viz. Et ut hæc
Autoritas nostris & futuris temporibus
circa ipsum Sanctum locum, perenniter
firma inviolata permaneat, & ab opti-
matibus nostris & Judicibus publicis &
privatis certius credatur, manus nostræ
subscriptione, subtus eam decrevimus ro-
borare, & Sigillo nostro Jussimus sigillari.
Then as to St. Dunstan, you have on the
Year*

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Year 959 Words to this Effect: Ego Dunstanus, ac si peccator, nomine tantum Episcopus, hanc libertatis scedulam, impressione Sigilli mei & Annuli, insuper & agalmate, S. Crucis diligenter Consignavi, ac dein, manibus ad coelum extensis, dixi, si quis hanc munificentiam auxerit, augeat Deus, &c. These Words of King Eadwi, the Brother of Edgar, Ann. 956. in his Charter of Gaing made to the Monks of Abendon, are all produced in Evidence in this Case: Ego Eadwi Rex meum donum proprio Sigillo roboravi: For this they cite the Register of Abendon, in the Cottonian Library; to which may be added, the Ancient Controversy in King Ethelred's Time, between Goodwine Bishop of Rochester and Leofwine, Aelfage's Son, about Cnodding Land, wherein express mention is made of the King's Writ and Seal's being made use of to assemble the Men of East and West Kent for ending of it.

LET it be admitted therefore upon the whole, That there was either no Sealing of Charters at all in the Time of our Saxon Kings, or at least, that the same was not a common Practice: This does not affect at all the Office of Chancellor, which was not originally denominated from the Custody of the King's Seal; and indeed, we are to look no higher for a constant Succession of Seals than the Days of Edward the Confessor, in whose Reign, we learn from Hoveden, That Leofricus, surnamed Britanni-
cus,

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cus, Wulvius and Rembaldus, were Chancellors, the Two last being also Keepers of his Seal, which is very evident from these Words in his Charters to the Church of Westminster: Ut hoc decretum, a nobis promulgatum, pleniorē obtineat vigorem, manu nostro subter appposito signo roboravimus, atque fidelibus nostris præsentibus roborandum tradidimus, nostræ Imaginis Sigilla insuper assignari Jussimus, &c. *And afterwards*, Wulvius Regiæ dignitatis Cancellarius relegit & sigillavit, &c. *And as to the other*, Ego Rembaldus, Regis Cancellarius, relegi & sigillavi: So likewise was Mauricius, Chancellor to William the Conqueror, Keeper of his Seal, as appears by these Words of that King's Charter of Confirmation unto the said Abbey of Westminster: Ego Willielmus, Dei Gratia, Rex Anglorum, Dux Normannorum, & Princeps Cenomannorum, hoc præceptum scribere præcepi, & scriptum hoc signo Dominico sic Confirmando + Stabilivi; nostræque imaginis Sigillo insuper assignari curavi, &c. *And after*, Mauricius Regis Cancellarius relegit & sigillavit.

HOW impracticable soever the Sealing of Charters was before the Time of the Norman Invasion, it became very usual from thence forwards, as may be seen from what has been already observed by the Testimony of Ingulphus, and may be further evidenced from the Laws of the Confessor, as recited and confirmed

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firmed by King William 1. and run thus :
Si quispiam Murdratus alicubi reperi-
batur, interfector illius qui si inveniri non
poterat, mensis & unius diei habebunt
respectum ad eum perquirendum, qui si
infra terminum non inveniebatur, colli-
gebuntur in villa illa XC^{ta} Marcæ: Quod
si ad tantæ solutionem pecuniæ non suf-
ficiebat, per Hundredum colligebatur quod
in villa non poterat: Veruntamen quan-
do omnino villa confundebatur, provi-
derant Barones, quod per Hundreda col-
ligerentur, & Sigillo alicujus Baronis Co-
mitatus sigillarentur, & ad Thesaurariam
Regis deportarentur; quas Sigillatas ipse
servaret per Annum & Diem unum, quod
si infra tunc terminum possit Murderator
haberi, traderetur Justiciæ Regis, & ipsi
Marcas Thesaurario Regis Commendatas
rehaberent. *And the reason of such Seal-
ing of Charters is given by Bracton: Quo-
niam Scripturæ non esset fides adhibenda;
nisi signum intervenerit quod talis do-
natio & scriptura a Conscientia & vo-
luntate Donatoris emanaret, ideo, in
Testimonium & Approbationem rei gestæ,
apponit Donator signum, adjicendo in
Cartâ, Clausulam istam quod ut ratum
sit & firmum, vel in cujus rei Testimoni-
um, huic scripto sigillum meum apposui.
Non refert utrum proprio, vel alieno
Sigillo Carta est signata, cum semel a do-
natore, coram Testibus ad hoc vocati,
recognita & concessa fuerit. This makes
it*

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it evident, That since the Conquest, Seals were used upon all Occasions, tho' sometimes those of Persons who were not Parties to the Grant; Instances of which might be produced: But that being foreign to the present Design, we shall now take Notice of what can be met with of most Antiquity, to set forth the Nature of this great Office. Cancellarii Dignitas, says the Author of the Life of Thomas a Becket, Archbishop of Canterbury, in the Reign of Henry II, est ut secundus a Rege in Regno habeatur, ut altera parte Sigilli Regii, quod ejus pertinet Custodiam, propria signet Mandata: Ut Capella Regia in illius sit dispositione & Cura: Ut vacantes Archiepiscopatus, Episcopatus, Abbantias & Baronias, Cadentes in manum Regis, ipse suscipiat & conservet: Ut omnibus Regiis assit Consiliis, etiam non vocatus accedat: Ut omnia Sigilliferi Clerici Regii sua manu signentur: Item, Ut suffragantibus, ex Dei Gratia vitæ meritis, non moriatur, nisi Archiepiscopus vel Episcopus, si voluerit. Inde est, quod Cancellaria non emenda est.

A N D another at the same time saith thus: Cancellarius, sicut in Curia, sic ad Scaccarium magnus est; adeo ut sine ipsius consensu vel Consilio nihil magnum fiat, vel fieri debeat: Verum hoc habet Officium, dum residet ad Scaccarium, ad ipsum pertinet Custodia Sigilli Regii, quod est in Thesauro; sed inde

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non recedit nisi cum præcepto Justiciarii (scil. summi Angliæ Justiciarii) ab inferiore ad superius Scaccarium a Thesaurario vel Camerario defertur, ad explenda solum negotia Scaccarii; quibus peractis in loculum mittitur, & loculus Cancellario consignatur & sic Thesaurario traditur Custodiendus.

ITEM cum necesse fuerit, signatus sub omnium oculis Cancellario offertur; nunquam ab ipso vel ab alio alias offerendus: Item ad ipsum pertinent rotuli, qui est de Cancellaria, Custodia, per suppositam Personam. *Another we meet with about the Time of Edward I. who says thus:* Officium Cancellariæ viro provido & discreto, ut Episcopo vel Clerico magnæ Dignitatis debet Committi, simul cum Curâ majoris Sigilli Regni; cujus substituti sunt Cancellarii omnes in Anglia, Hibernia, Wallia, & Scotiâ; omnesque Sigilli Regii Custodes, præter custodem Sigilli privati.

BUT notwithstanding the Expression abovementioned, That Altera pars Sigilli Regis pertinet ad ejus Custodiam, 'tis certain, That the Custody of the Seal in Ancient Times, was frequently committed to others, as will appear hereafter. But for as much as those, who were Chancellors, had for the most part the keeping of it; it sometimes hapned, that they who had kept the Great Seal were vulgarly reputed to be Chancellors: Nay, some Modern Authors tell us, That

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That the Lord Chancellor had sometimes his Vice-Chancellor, commonly called Keeper of the Great Seal; what certain Authority they have for it, I do not know.

B E it as it will; It was Enacted in the Parliament of the 28 Hen. III. That the Keeper of the Great Seal should be always the Chancellor; and that all Things sealed otherwise should be made void: Si aliqua interveniente occasione Dominus Rex abstulerit Sigillum suum, quicquid fuerit interim Sigillatum irritum habeatur & inanè; & deinde Cancellario fiat restitutio. It's true, this Law was not afterwards strictly observed; the Custody of the Great Seal being often committed to such Persons, who were not the King's Chancellors, until by the Statute of the 5 Eliz. c. 18. it was declared, that the Common Law is, That the Keeper of the Great Seal of England for the time being, is, and always was, &c. and hath always had and used, &c. as belonging to his Office, the like Place of the Lord Chancellor for the time being, lawfully used, &c. So that our Kings and Queens of England, from henceforward, always bestowed the Great Seal, either with the Title of Lord Keeper, or that of Lord Chancellor, (saying that it has sometimes been in Commission) both with the same Power and Right of Precedence; only as a Lord Chancellor, he receives a Patent for his Office, which the Lord Keeper does not; and by the Title of Chancellor he is look'd upon as in great Fa-

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vour with his Prince ; and, indeed, of late Years, they have seldom failed of being advanced to the Peerage of England along with it.

SOME make this Court to be *Officina Justitiæ*, the Womb of all our Fundamental Laws, the Fountain of all our Proceedings in Law, and the Origin of all our Courts : But as to the Antiquity of the Jurisdiction of the Lord Chancellor, for Hearing of Civil Causes, Mr. Lambert is of Opinion, That they had none in that respect till the Reign of Edward I. But that then the Power of the *Justiciarius Angliæ* declining, it being strained, *ad Placita coram Rege tenenda* ; the King committed to his Chancellor, together with the Trust and Charge of his Great Seal, his own Royal and extraordinary Pre-eminence of Jurisdiction in such Civil Causes, as well for the Amendment, as Supply of the Common Law ; which Power, that it was not so disposed of by the King till then, may very well, says he, be inferred from Breton, a Learned Lawyer, who in that King's Time, writing of all other Courts, from the highest Tribunal to the Court Baron, makes no mention of the Chancery : However, towards the latter end of this King's Reign it was Enacted, That the Chancellor, and the Justices of his Bench, should follow the King, that is, whithersoever his Court removed ; so that he might at all Times have near his Person some Men eminently skilled in the Law, who were able to manage all such Mat-
ters

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ters, as should come unto the Court at all times, if need should require: The Justices, 'tis very likely, to attend as to Matters of Law, and the Chancellor for Equity.

HOWEVER, this Act did not Impower the Chancellor absolutely by himself to determine such Civil Causes, as might seem by that Law, which was made in 20 Edw. III. whereby it appears, That the Treasurer was joined with him, to hear the Complaints of such as had any thing to offer against Sheriffs, Escheators, Bailiffs of Franchises, and other Ministers; as also against Maintainers, Common Embracers, and Jurors in the County; and about the Presents and Rewards which the said Ministers took of the People to execute their Office, &c. and to order that speedy Remedy should be made in those Cases.

BUT by an Act of Parliament made in 36 Edw. III. concerning Purveyors and Achators, and of such Things as the Mayor and Constables of the Staple should take Cognizance of, it was Enacted, That if any one found himself aggrieved, contrary to those Articles, (viz. concerning Purveyors, &c.) or others contained in divers Statutes, and would come into the Chancery, or any for him, and thereof make his Complaint, he should presently have Remedy there, by Virtue of the said Articles and Statutes, without pursuing for Redress elsewhere: But notwithstanding this Act, it does not appear by the Reports of the Common Law, as Lambert observes,

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observes, That there have been any frequent mention made of Causes brought before the Chancellor for Redress in Equity, till the Time of Henry IV. in whose Days, by reason of the intestine Troubles, Feofments to use did either first Begin, in the Opinion of some, or else first grew Common and Familiar, as all Men must agree : Nor are there any Bills and Decrees in Chancery to be found before the 20 Hen. VI. such Causes as have been heard from henceforward in that Court, having been before decided in the House of Lords assembled in Parliament, as may be seen from the Number of Petitions of that Nature in Parliament, which are still extant.

THE Place where the Lord Chancellor anciently sate and held this Court, was at the upper end of Westminster-Hall, at that long Marble-Table there situate, (tho' now covered with the Courts there erected) to which there are Five or Six Steps to go up : For when Simon Langham, Bishop of Ely, was made Lord Chancellor, in 36 Edw. III. which was on Sunday the 19th of February, the Record says, That on the Tuesday following he took the Great Seal along with him to Westminster : Et in sede Marmorea, ubi Cancellarii sedere sunt assueti, sedens, &c. Literas Patentes, &c. consignari fecit. That is, He seated himself in the Marble Chair, wherein the Chancellor used to sit and seal Patents, &c. which Marble Chair is still remaining, the same being fixed in the Wall over against the middle of that Marble-Table.

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A S to the Modern Concerns and Methods of this Court, it proceeds either ordinarily, according to the Laws, Statutes and Customs of the Nation, and in Latin, granting Writs Mandatory and Remedial, Writs of Grace; or else, according to Equity and Conscience, and by English Bill or Plaint, much like the Courts of the Civil Law; the Witnesses are examined in private, the Decrees in English or Latin, not in French, and no Jury of Twelve Men: So that the Chancery contains two Courts in one; The equitable part is by Bills, Answers and Decrees, to examine Frauds, Combinations, Trusts, Secret Uses, &c. To moderate the Rigour of the Laws, and rescue Men out of the Hands of their Oppressors: To relieve a Man especially in Three Things, viz. Against Cheats, unfortunate Accidents, and Breaches of Trust.

O U T of this Court are issued Writs or Summons for Parliaments and Convocations, Edicts, Proclamations, Charters, Protections, Safe-Conducts, Writs of Moderata Misericordia, when any Person hath been Amerced too high; and for a reasonable Part of Goods for Widows and Orphans; Patents for Sheriffs; Writs of Certiorari, to remove Records, and false Judgments in inferior Courts; Writs of Audita Querela and Scire facias: Here are Sealed and Enrolled, Letters Patents, Treaties and Leagues with Foreign Princes, Deals between Party and Party touching their Lands and Estates, or Purchasers

Introduction.

chasers taking Recognizances, and making of Extents upon Statutes, and Recognizances for Payment of Money, or Securing of Contracts, Writs Remedial or Magisterial, Commissions of Appeal, Oyer and Terminer, &c. Nay, The Court of Common-Pleas, which are between Subject and Subject, hath its Original and Commission from the Chancery, and cannot hold Pleas without it.

THE Court of Equity, which proceeds not according to Law, is no Court of Record, and therefore Binds only the Person, and not his Lands or Goods: However, being a Court of Conscience, is less perplexed with the Quirks of the Law; tho' some ill Men have found out Ways to make even this of Equity it self grievous to the Subject: The sole Judge of this Court is the Lord Chancellor, or Lord Keeper of the Great Seal of England for the time being; whereas in other Courts there are Three or Four Judges: But he may and frequently does, in Cases of greater Weight and Difficulty in Point of Law, call some of the other Judges to his Assistance. But the Two Kingdoms of England and Scotland being lately United, and the Officer that bare this Trust in the Latter having always had the Title of Lord Chancellor, Her Majesty soon after was pleased to give the Lord Cowper, the present Judge of this Court, the Stile and Title of Lord High Chancellor of Great Britain; and, I presume, this for the future will be the Stile of all his Successors in this exalted Station.

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* *

THE

THE
LIFE
OF
EDWARD,
Earl of Clarendon, &c.

MR. Edward Hide was the Son of Henry Hide, of Pyrton, in the County of Wilts, by Mary, his Wife, the Daughter and Heir of Edward Langford, of Tunbridge, in the same County; which Henry was the Third Son of Laurence Hide, of Gussage St. Michael, in the County of Dorset, descended from an Ancient and Genteel Family of his Name, living at Northbury in Cheshire. This Gentleman was Born at Dinton, near Hindon in Wiltshire, on the 16th of February, or thereabouts, in the Year 1608. He was very carefully Educated in Grammar Learning in his Youth, soon discovered the Pregnancy of his Parts, and his Elevated Genius; and in Lent Term, Anno

1608.

B

1622,

1622. 1622, became a Student of *Magdalen-Hall*, in the University of *Oxford*, where having apply'd himself to indefatigable Study, and highly improved his Natural Endowments with Academical Learning, he removed from thence, after he had taken the Degree of Batchellor of Arts to the *Middle-Temple*, where he Studied the Law for several Years, and attained to an Immense Knowledge in that Honourable Profession: But not attaining to any Publick Station till the Year 1640, we have nothing remarkable concerning him till that Time.

1640. IT's proper in this Place to observe, that there had been an Interval of Parliaments for about Twelve Years in *England*, when the pressing Affairs of King *Charles I.* and more particularly the *Scotch* Invasion, principally occasioned by imposing the Liturgy upon that Nation, put that Prince under the Necessity of calling a new Parliament, which met on the 3d of *April* 1640, and wherein Mr. *Hide* had the Honour to serve the first Time as Burgefs for *Wooton-Basset* in his own County: His Abilities were soon discerned by the Great and Leading Men of the House, and without Flattery, he shewed himself thro' the Course of the time that Parliament sat, a good and even Patriot, wholly Intent upon the Welfare and Tranquility of the Nation.

GRIEVANCES multiply'd upon Grievances during so long a Recess of Parliaments, required Time to Redress, as the King's Want of Money did the speedy Dispatch of the Supplies; so that his Majesty in a Message was pleased to let the Commons know, that he heard the Ship-Money was unwillingly submitted to by the People, which therefore he would release for the future in such a Manner as his Parliament

ment should advise, if they would grant him Twelve Subsidies to be paid in Three Years: 1640. This occasioned great Debates that Day and the next, when Mr. *Hambden* seeing the Matter ripe for the Question, desired it might be put, "Whether the House should comply with the Proposition made by the King, as it was contained in the Message? Hereupon Serjeant *Glanville*, the Speaker, (for the House was then in a Committee) endeavour'd in a Pathetical Speech to persuade 'em to comply with the King, and so reconcile him to Parliaments for ever.

NO Speech ever united the Inclinations of a popular Council more to the Speaker than this did; and if the Question had been presently put it was believ'd few wou'd have oppos'd it. But after a short Silence, the other Side recovering new Courage, call'd again with some Earnestness that Mr. *Hambden's* Question should be put, which being like to meet with a Concurrence, Mr. *Hide* being very sollicitous to keep Things in some tolerable Calmness, then stood up, and giving his Reasons for his Dislike to that Question, propos'd, "That to the end every Man might freely give his Yea or No, the Question might be put only upon giving the King a Supply; which if it was carried, another might be put upon the Manner and Proportion; if not, it wou'd have the same Effect with the other propos'd by Mr. *Hambden*. This, after it had been some time oppos'd and diverted by other Propositions, which were answer'd by Mr. *Hide*, wou'd, as it was generally believ'd, have been put, and carried in the Affirmative, tho positively oppos'd by *Herbert* the Solicitor-General, if Sir *Harry Vane* the Secretary had not stood up, and assured 'em as from his Majesty,

1640. jesty, That if they should pass a Vote for a Supply, and not in the Proportion propos'd in his Majesties Message, it wou'd not be accepted by him, and therefore desired that the Question might be laid aside; which being again urged by the Solicitor-General, and it being near Five in the Afternoon, it was readily consented to that the House shou'd Adjourn to the next Morning, at what Time they were suddenly Dissolved; and within an Hour after Mr. *Hide* met Mr. *Saint John*, who was seldom known to smile, but then had a most chearful Aspect, and observing the other Melancholy, as indeed he was from his Heart, asked him, "What troubled him? Who answer'd, "The same he believ'd that troubled most good Men; that in a time of so much Confusion, so Wise a Parliament shou'd be so imprudently Dissolved; the other replied somewhat warmly, "that all was well, that things must grow worse before they wou'd grow better, and that that Parliament would never have done what was requisite.

BUT tho' this Parliament was so abruptly Dissolved, the King and Kingdom, as Things stood, could not long remain without another, which met the 3d of *November* following, and wherein Mr. *Hide* served for the Town of *Saltash*, in the County of *Cornwal*: His Abilities began now to be very much taken notice of, and he was imploy'd in several Committees to examine and give their Opinion to the House concerning divers Grievances; and when from the Importunity of the *Scotch* Commissioners (now in Treaty) to get Money, some of the Leading Men seem'd to despair of being able to Borrow more, for that the City was dishearten'd

ten'd to see no Delinquents brought yet to Justice, and therefore that none could be expected

1640.

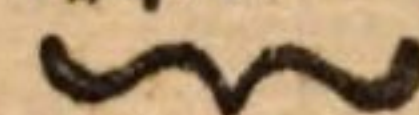
from thence till some Advance was made to those longed Ends, Mr. *Hide* stood up and said, "He did not think the Thing so difficult as was pretended; that no Man lent his Money who was not a Gainer by it; that there was Money enough to be had, and did not doubt but if a small Committee from the House was sent to confer in the Name of the House with those who were reputed to be Monied Men, they might prevail for as much as would serve the present Exigence.

Whereupon the House named him, Mr. *Capel*, Sir *John Strangeways*, and Five or Six more, who repair'd into the City, and after they had spoken together with Four or Five Eminent Men, of Wisdom and Sobriety, as well as Ability to lend, they agreed to divide themselves, and confer separately with their particular Acquaintance upon the same Subject. Many Men chusing rather to lend their Money than to be thought to have it, and being very cautious in their Expressions, except in Private; they found, when they had again communicated together, that the Business was very easie, every Man with whom they had conferr'd being willing to lend upon their Security who proposed it: And Mr. *Hide* the next Day reported the Success of their Employment, and then enlarged upon "the Temper they found the City to be in, upon the Authority of those who might reasonably be suppos'd to know it best. That indeed it was much concern'd to see Two Armies maintain'd at so vast a Charge within the Bowels of the Kingdom; and that they who were able to make good what they promis'd,

1640.

“ had readily engaged, if a peremptory Day
 “ was assign’d for being rid of those Armies,
 “ there should be no Want of Money to Dis-
 “ charge ’em.

April 22.
 1641.



THE Major Part of the House receiv’d this Report with great Applause, and Mr. *Hide* was no less Active and Serviceable to his Country, in endeavouring to take away the Court of *York*, (of which the Earl of *Strafford* had for some Years been President,) the Commons in a Committee having taken the same into Consideration, Mr. *Hide*, the Chair-Man, reported the Case, and thereupon it was resolved, that the Commissions and Instructions, whereby the President and Council in the North Exercised a Jurisdiction, was Illegal both in Creation and Execution, and that it was Unprofitable to his Majesty, and Inconvenient and Grievous to his Subjects in those Parts; Mr. *Hide* thereupon being appointed to manage the Conference with the Lords touching the same Court, he made the following most Learned and Eloquent Speech to them.

My Lords,

I Am commanded by the Knights, Citizens and Burgesses of the House of Commons, to present to your Lordships a Great and Crying Grievance; which, tho’ it be complained of in the present Pressures but by the Northern Parts, yet by the Logical Consequence of it it is the Grievance of the Whole Kingdom: The Court of the President and Council of the North, or as it is more usually called the Court of *York*, which by the Spirit and Ambition of the Ministers trusted there, or by the natural Inclination of Courts to enlarge their own Power and Jurisdiction, hath so prodigiously broken down the Banks

Banks of the first Channels wherein it ran, that it bath almost overwhelmed that Country, under the Sea of Arbitrary Power, and involved the People in a Labyrinth of Distemper, Oppression and Poverty. 1641.

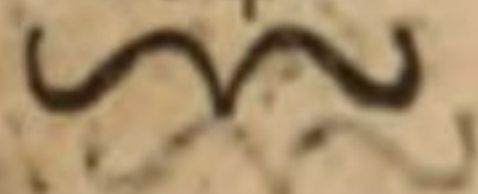
YOUR Lordships will give me Leave, not with Presumption, to inform your great Understandings, but that you may know what moved the House of Commons to their Resolutions, to remember your Lordships of the Foundation and Erecting of this Court, and of the Progress and Growth of it.

YOUR Lordships well know that upon the Suppression of all Religious Houses to such a Value in the Seven and Twentieth Year of Hen. 8. from that time to the Thirtieth of that King's Reign, many (not fewer) than Six Insurrections and Rebellions were made in the Northern Parts, under Pretence of that Quarrel, most of them under the Command of some Eminent Person of that Country, the which being quieted before the end of the Thirtieth, that Great King well knowing his own Mind, and what he meant to do with the Great Houses of Religion in the Year following, for the Prevention of any Inconveniency that might ensue to him upon such Distemper, in the One and Thirtieth Year of his Reign granted a Commission to the Bishop of Landaff, the first President, and others, for the quiet Government of the County of York, Northumberland, Cumberland, and Westmoreland, the Bishoprick of Durham, the Counties of the City of York, Kingston upon Hull, and Newcastle upon Tine. But, my Lords, the Commission was no other than a Commission of Oyer and Terminer, only it had a Cause at the end of it, for the hearing of all Causes Real and Personal, Quando ambo partes, vel altera pars sic gravata paupertate

1641.

paupertate fuerit, quod commode jus suum secundum legem Regni nostri alteri persequi non possit: Which Clause, how Illegal soever, (for that it is Illegal, and Void in Law, little Doubt can be made,) yet whether they exercised that Part of the Commission at all, or so sparingly exercised it, that Poor People found Ease and Benefit by it, I know not; but at that Time I find no Complaint against it. Till the coming in of King James, the Commission continued still the same, and that in the first Year of his Reign to the Lord Sheffield varied no otherwise from the former, save only that it had Reference to Instructions that should be sent; tho' whether any were sent or no is uncertain, for we can find none.

I N June, in the Seventh Year of the Reign of King James, a new Commission was granted to the same Man (the Lord Sheffield) very differing from all that went before, it being left out that they should inquire Per Sacramentum bonorum & legalium hominum, and to hear and determine Secundum leges Angliæ, relation being had only to the Instructions, which were the first Instructions we can find that were sent thither; tho' I told your Lordships there were some Mention of some in 1 Jac. I shall not trouble your Lordships with these Instructions, nor with the other that followed in 11 Jac. to the same Man, nor in 16 Jac. when a new Commission was granted to my Lord Sunderland, nor indeed with any till we come to these present Instructions and Commission, with which that Part of the Kingdom groans and languishes. My Lord of Strafford came to that Government in December 4 Car. and since the Commission hath been Three several times reviewed. In the Fifth Year in March, in
the



the Eight in November, and in the Thirteenth of his Majesties Reign: Into that Commission of the 8th and 13th, a new Clause was screwed for the Granting, Sequestering and Establishing Possessions according to Instructions, crowded in a Mass of New, Exorbitant and Intolerable Power, tho' our Complaint be against this Commission itself, and against the whole Body of those Instructions, that by the vast Irregularity of those your Lordships may judge how unsupportable the whole Burden is. I shall not trouble your Lordships with the Ninth Instruction, tho' it be but short, that *Miseram servitutem & ubi, jus est vagum & incognitum*, by requiring an Obedience to such Ordinances and Determinations as be or shall be made by Council-Table, or High Commission Court: A Grievance, my Lords, however, *Consuetudo & peccantum Claritas nobilitaverit hanc culpam*, of so transcendent a Nature, that your Lordships Noble Justice will provide a Remedy against it, with no less Care than you would rescue the Blood and Life of the Commonwealth.

READ the 19, 22, 23, 24, 29, and 30, I will not trouble your Lordships with reading more, there being among them in the whole 58 Instructions scarce one that is not against or beside the Law.

WHETHER His Majesty may Canton out his Kingdom to be Tried by Commission, tho' according to the Rites of Law, since the whole Kingdom is under the Law and Government of the Courts at Westminster, and by this Reason several Parts of the Kingdom may be deprived of that Priviledge, will not be now the Question; and that His Majesty cannot by Commission erect a new Court of Chancery, or Proceedings according to the Rules of the Star-Chamber, is most clear
to

1641. *to all that have read Magna Charta ; which alloweth no Proceedings, Nisi per legale Judicium parium per legem terræ. For our Court of Chancery here by long Usage and Prescriptions is grown to be as it were Lex terræ : But, my Lords, the Thirtieth Instruction goes further, and erects such an Empire, such a Dominion, as shall be liable to no contrary : The Courts of Westminster, my Lords, have Superintendencies over all Inferior Courts, to regulate their Jurisdiction if they exceed their Limits, to hold Plea of a greater Value, or the like, in the Exercise of Jurisdiction, the Judges are sworn to grant and send Prohibitions ; and to stop the granting these Prohibitions, or to neglect them when they are granted, is the greatest and boldest Scorn of the Law, and the Law-makers, that can be imagined.*

THE King's Courts at Westminster having been always of that Lawful and Reverend Esteem with Inferior Judges, that the Instances of such Contempts against them are rare and exemplary in the Punishment.

THE Bishop of Norwich in Trinity-Term, in the 22th Year of Edward III. in Rot. 289. in the Common-Pleas, in Hillary-Term 21, in the King's-Bench, was attacked for disobeying a Prohibition at the Suit of Straeil, upon full and solemn Dismission of the whole Matter, the Court resolved that the Proceedings of the Bishop were, Inobedientiam & Diminutionem Domini, & potestatis Regiæ, Autoritatis suæ Rejectionem & Coronæ suæ Exhereditationem Manifestam, &c. as the Words of the Records are, and therefore adjudged the Temporalities of the Bishop to be seized into the King's Hands, and great, very great Damages to be paid to the Plaintiffs. And whosoever gave Directions for these
stout

stout Instructions, might have remembred that no longer since than Michaelmas, in the Seventh Year of Elizabeth, Rot. 31. an Attachment was granted against the Archbishop of York, then President of that Council, for forbidding the Goaler of York to deliver one Lambert his Prisoner, who was sent for by Habeas Corpus from the King's Bench; and if they would have believed the Resolution of all the Judges in England, in Trinity-Term, in the Sixth Year of King James I. they would have known how unfit it had been to enlarge that Jurisdiction, since most of their Proceedings being of an inferior Nature to what they are now grown, were then declared to be Illegal, and Inconsistent with the Liberty of the Subject.

AND can such a Court as this, my Lords, deserve to live? What a Compendious Abridgment hath York got of all the Courts of Westminster-Hall? Whatsoever falls within the Cognizance or Jurisdiction of either Courts here, is compleatly determinable within that One Court at York, besides the Power it hath with the Ecclesiastical and Commission Courts.

WHAT hath the good Northern People done, that they only must be Disfranchised of all their Priviledges by Magna Charta, and the Petition of Right? For to what Purpose serve these Statutes, if they may be Fined and Imprisoned without Law, according to the Discretion of the Commissioners? What have they done, that they, and they alone, of all the People of this happy Island, must be Disinherited of their Birthright, of their Inheritance? For Prohibitions, Writs of Habeas Corpus, Writs of Error, are the Birthright and Inheritance of the Subjects.

AND 'tis here worth your Lordships Observation, that to those many Prohibitions that have been

1641.  been granted from above, (for till of late the Court of York had not the Courage to oppose Prohibitions, nor indeed till our Courts here had not the Courage to grant them,) it was never known that Court pleaded the Jurisdiction of their Counsel, which without doubt they would have upon the Advantage of many Great Persons, in whose Protection they have always been, had they not known the Law could not be misinterpreted enough to allow it.

YOUR Lordships remember the Directions I mentioned of Magna Charta, that all Proceedings shall be Per legale Judicium Patrium & per legem Terræ. Now these Jurisdictions tell you, you shall proceed according to your Discretion; that is, you shall do what you Please; only that we may not suspect this Discretion will be gentler and kinder to us than the Law, special Provision is made, no Fine, no Punishment, shall be less than is appointed by Law, by no Means, but as much greater as your Discretion shall think fit; and indeed in this Improvement we find Arbitrary Courts are very pregnant; if the Law require my good Behaviour, this Discretion makes me close Prisoner; if the Law sets me upon the Pillory, this Discretion appoints me to leave my Ears there.

BUT this Proceeding according to Discretion is no new Expression: It was in the first Commission I told your Lordships of in the 31th of Hen. VIII. that they should proceed, Secundum legem & Consuetudinem Regni Angliæ, vel aliter Secundum sanas discretionem vestras; which in the Interpretation of the Law, and that in the best Interpretation, signifies the same thing. To proceed according to Discretion, is to proceed according to Law, which is Summa Discretio, but not according to their private

private Conceit or Affection; for Talis discretio, (saith the Law) Discretionem confundit; and such a Confusion hath this Discretion in these Instructions produced, as if Discretion were only removed from Rage and Fury: No Inconvenience, no Mischief, no Disgrace, that the Malice, or Insolence, or Curiosity of those Commissioners, had a Mind to bring upon that People, but through the Latitude and Power of this Discretion hath been the Quick-sand which hath swallow'd up their Property, their Liberty; I beseech your Lordships rescue them from this Discretion. Besides the Charge that this Court is to His Majesty, which is 1300 l. per Ann. your Lordships will easily guess what an unsupportable Burden the many Officers, whose Places are of great Value, the Attorneys, Clerks, Registers, and above a Thousand Solicitors, that attend the Courts, must be to that People; insomuch that the Country seems to be divided into Officers and Dependants on that Court, and the People upon whom these Officers of that Court prey and commit Rapines, as he said in Petronius, omnes hic aut captantur aut captant, aut cadavera quæ lacerentur, aut corvi qui lacerent. Truly, my Lords, these vext-worn People of the North are not Suitors to your Lordships, to regulate this Court, or to reform the Judges of it, but for extirpating these Judges, and the utter abolishing this Court; they are of Caro's Mind, who would not submit to Cæsar for his Life, saying, He would not be beholding to a Tyrant for Injustice, for it was Injustice in him to save a Man's Life, over whom he had no Power.

So these Gentlemen desire not to be beholding to this Court hereafter for Injustice.

The

1641.

THE very Administration of Injustice, founded upon such Illegal Principles, being a Grievance and an Oppression to the Subject.

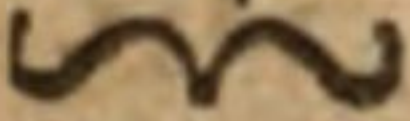
FIRST, Upon the whole Matter the House of Commons is of Opinion, that the Commission and Instructions, whereby the President and Council of the North Exercise a Jurisdiction, is Illegal both in the Creation and Execution.

SECONDLY, That it is unprofitable to His Majesty; for besides so much, near Thirteen Hundred Pounds taken out of His Majesties Revenue every Year, His Majesty loseth the great Benefit that would accrue to him upon Writs, upon Fines, upon Outlawries, and other Profits, which redound to His Majesty out of His Courts here.

AND which I had almost forgot to tell your Lordships of, that His Majesty may be sure to have Benefit from that Court, notable Care is to be taken by the Fifty-three Instructions, that if any Money remains over and above all Disbursements, it shall be bestowed in providing Household Stuff and Furniture for the House where the Lord President and Council used to sit.

AND Lastly, That it is Inconvenient and Grievous to His Majesties Subjects of those Parts.

AND therefore they are humble Suitors to your Lordships, and the House of Commons, on this Behalf, that since this People do, and have in all Matters of Duty and Affection, contended with the best of His Majesties Subjects, that they may not be distinguished from them, in the manner of His Majesties Justice and Protection, since this Court Originally instituted and continued by His Majesty, for the Ease and Benefit of his Subjects, is apparently inverted to the Burden and Discomfort of them; and that your Lordships will join with the House of Commons in beseeching

ing His Majesty that the present Commission may be revoked, and no more such granted for the future. 1641. 

BU T tho' Mr. *Hide* was as willing to proceed as any Body in redressing the Grievances of the Nation, he was on the other Hand as watchful for the Security of the Establish'd Church now begun to be struck at ; and a short Bill being brought in to take away the Bishops Votes in Parliament, and to leave them out of all Commissions of the Peace, or any thing that had Relation to Temporal Affairs, he was very earnest for the throwing it out, and said, " That from
" the Time that Parliaments begun, Bishops
" had always been a Part of it. That if they
" were taken out there was no Body left to
" represent the Clergy, which wou'd introduce
" another Piece of Injustice, no other Part of
" the Kingdom cou'd complain of, who being
" all represented in Parliament, were bound to
" submit to whatever was enacted there, be-
" cause it was upon the Matter with their own
" Consent ; whereas if the Bill was carried,
" there was no Body left to represent the
" Clergy, and yet they must be bound by their
" Determination. When he had done, the
Lord *Falkland*, who always sat next to him,
(which was so much observ'd, that if they came
not in together, as they usually did, every
Body left the Place for him that was absent,)
stood up, and declared, he was of another O-
pinion ; and that he never heard the Consti-
tution of the Kingdom would be violated by
the passing that Act ; and that he had heard
many of the Clergy protest that they could
not own themselves represented by the Bi-
shops ; but if that could be made appear, it
was to be presumed the House of Peers, (a-
mong

1641. mong whom they fate, and had yet their Votes,) would throw it out; and so facetiously answering some other Particulars, he concluded for passing the Act.

MANY of the House were wonderfully pleased to see the Two inseparable Friends divided in so Important a Point, that they could not restrain from a kind of Rejoicing; and the more because they saw Mr. *Hide* much surprized, as indeed he was, having never discovered the least Inclination in the other towards such a Compliance; and therefore they flatter'd themselves, that they might in time work the Lord *Falkland* to a further Compliance with them. But therein they found themselves mistaken: The Earl of *Strafford's* Trial was now depending, and how warm soever Mr. *Hide* appeared against that Noble Lord, as he had been President of the Council in the North, yet being fully convinced in mind that the Earl had committed no Crimes of State which by Law could affect his Life, he neglected no Opportunities to save him; and therefore going one Afternoon to *Pickadilly* House for Entertainment and Gaming, where there were an upper and lower Bowling Green resorted to by many People of Quality, as soon as he came into the Ground the Earl of *Bedford* came to him, and after some short Compliments told him, "He was glad he was
 " come thither; for there was a Friend of his
 " in the lower Ground who stood in Need of
 " his Counsel. He said, that Business concerning the Earl of *Strafford* was a Rock
 " upon which they should all split; and that
 " the Kingdom would be destroyed through
 " the Heat of the Parliament. That the King
 " was ready to do all they could ask if they
 " would spare that Earl's Life. That his Majesty

1641.

“ jesty was satisfied he had by his passionate
“ Proceedings render’d himself useleſs to his Ser-
“ vice for the future, and was well content he
“ ſhould be baniſhed, or imprifoned for his Life,
“ as they ſhould think fit. That if by their
“ own Judicatory they would take his Death
“ upon themſelves, he would not interpoſe any
“ Act of his own Conſequence ; but ſince they
“ declined that, and intended to proceed by an
“ Act of Parliament, to which he himſelf muſt
“ be a Party, that he could not with a ſafe
“ Conſcience ever give his Royal Aſſent to
“ it. Becauſe having been preſent at the whole
“ Trial, he had heard nothing proved by
“ which he could believe he was a Trai-
“ tor, either in Fact or Intention ; and there-
“ fore his Majeſty earneſtly deſired of both
“ Houſes, they would not bring him a Bill to
“ Paſs, which in Conſcience he neither could
“ nor would conſent to. The Earl continued,
and ſaid, “ That he did all he could to perſuade
“ his Friends to decline their violent Proſecution,
“ and be ſatisfied with the Remedy propoſed
“ by the King ; and that he ſhould not deſpair
“ of Succeſs, if the Earl of *Effex* could be per-
“ ſuaded to comply, who was hitherto very ob-
“ ſtinate. That he had left his Brother, the
“ Marquiſs of *Hertford*, walking with him in
“ the lower Grounds ; and he deſired Mr. *Hyde*
“ to walk down thither, and endeavour to per-
“ ſuade the Earl to Reaſon, which the other was
very ready to do. Accordingly finding the Mar-
quiſs and the Earl together, the Marquiſs, after a
too ſhort Salutation, departed, and left the other
alone on Purpoſe. The Earl begun merrily in
telling him, “ He had that Morning perform-
“ ed a Service which he knew he did not in-
“ tend ; that by what he had ſaid at the Con-
C “ ference

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“ference against the Court of *York*, he had re-
 “vived their Prejudice against the Earl of
 “*Strafford*, so that he hoped they would
 “now proceed in the Bill against him with
 “Vigour; which was the Effect, of which, he
 said, he was sure he had no Mind to be the
 Cause. Mr. *Hide* confessed he had indeed
 no such Purpose, and hoped somewhat he
 had said might put other Thoughts into ‘em,
 to proceed in another Method upon his
 Crimes. That he knew their having slept
 so long upon the Bill, proceeded from their
 Disagreement upon the Point of Treasons,
 which the longer they considered would ad-
 minister the more Difficulties. But if that
 was declined, they should all agree he had
 deserved so severe a Censure, as would abso-
 lutely deprive him of all Power that might
 prove Dangerous to the Kingdom, or Mis-
 chievous to any to whom he was no Friend.
 He shook his Head, and replied, *Stone-dead*
hath no Fellow. That if he were Fined, and
 Sentenced to be Imprisoned during Life, the
 King would presently grant him his Pardon
 and Estate, remit all his Fines, and give
 him his Liberty as soon as he had a Mind to
 receive him into his Service, which would be as
 soon as the Parliament was ended: And when
 Mr. *Hide* was ready to answer him, the Earl
 told him familiarly, that he had been tired
 that Afternoon upon that Argument, and
 therefore desired him to desist for the pre-
 sent; assuring him he would be ready to
 confer with him upon that Subject at any o-
 ther time.

SOON after Mr. *Hide* took an Opportunity to
 renew the Discourse, but found him upon his
 Guard; and tho’ he gave Ear to all the other
 would

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would say with great Patience, yet he was very Concise in his Arguments, and seemed fixed in his Resolution; and when he was pressed, "How unjustifiable a thing it was for any Man to do what his own Conscience persuaded him was Sinful; that he knew him so well, that if he was not firmly satisfied of the Guilt of the Earl of *Strafford*, the King could never oblige him to give his Vote for that Bill; and therefore he admired how he could urge the King to do an Act he declared so directly against his Conscience; that he neither cou'd nor wou'd give his Royal Assent to the Bill. The Earl answered with some Commotion, "That the King in Conscience was obliged to conform himself and his Opinion to the Judgment and Conscience of his Parliament.

I need not here recount the Earl of *Strafford's* Fate, Attainted he was, and Beheaded; but tho' those who were supposed to favour him, either of Lords or Commons, were branded with the Name of *Straffordians*, and Betrayers of their Country, and that a List of them was posted up at the Corner of the Wall of Sir *William Brunkard's* House in the *Old Palace Yard* in *Westminster*, yet such was the Sagacity and Caution of Mr *Hide* in his Conduct about this unhappy Affair, that he was not included amongst them.

THE Earl's Blood did not allay the Jealousies and Fears of the People, great Suspicions there were that the King had still many Evil Counsellors about him, and some in the House of Commons were very intent to drive the Duke of *Richmond* from Court; and one Day whilst they were very Hot upon this Argument, and were about to Name him, which hitherto they had not done,

1641. done. Mr. *Hyde* stood up, and said, " He really believed the King had still some Evil Councillors about him, whom it were much better to Name, than to amuse the House with a general Mention of 'em, as if they durst not Name 'em; that for his Part, if a Day was appointed he was ready to Name one, whom, upon due Reflections, he had great Reason to believe an Evil Councillor. They were mightily afraid he meant the Marquiss of *Hamilton*, and for the future no more insisted upon the Discovery of Evil Councillors, tho' the Duke was never at rest till they had forced him to resign the Cinque Ports to the Earl of *Warwick*. And Mr. *Hide*'s nearest Friends were solicited to persuade him not to attempt to prejudice the Marquiss of *Hamilton*; and even his Majesty himself was prevail'd with to send to him upon the same Score.

When every Body now expected the House would enter upon no Business till the Treaty of Pacification with the *Scotch* was finish'd, they call'd one Morning for a Bill (brought in long before by Sir *Edward Deering*) for the Extirpation of Episcopacy, read it a second time, and committed it, and resolved to proceed upon it the next Day, when there was a long Debate who should be Chair-man of the Committee: They who were Friends to the Bill were for having Mr. *Hide* in the Chair, that he might not by too frequent Speaking obstruct it, and the other Side were for Mr. *Crew*, but in Conclusion they who were for Mr. *Hide* carry'd it. But after Twenty Days spent in that Matter, the King resolving to begin his Journey for *Scotland*, they were forced to let it rest, tho' a new Bill was some time after brought in to

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to the same purpose: But the King (now in *Scotland*) filling up divers vacant Bishopricks, the Commons upon the News of it were much concerned, and earnestly urged, That the Lords might be moved to join with 'em, in sending to the King to defer making any new Bishops till the Controversie concerning Church-Government should be decided, and it was carried by the Major Part, That a Committee should be appointed, to draw up Reasons for the Lords to join with them in that Desire to the King. When it was voted a Committee should be appointed, they, who during the Debate had opposed the Thing, were called on to be of that Committee, amongst whom were the Lord *Falkland*, and Mr. *Hide*, who desired they might be excused from that Office; for having given so many Reasons against it, they could not conceive what could be urged in its Behalf; and therefore thought the Business would be better done, if they, who were convinced themselves of the Reasonableness of it, would undertake to persuade other Men.

The King being now on his Return from *Scotland*, and the Commons having prepared a Remonstrance of the Illegal Practices since the beginning of his Reign, it admitted of many warm and sharp Debates before it could be carried in the Affirmative; but then Mr. *Hambden* moving for an Order for the present Printing of it, Mr. *Hide* as soon as the Motion was made said somewhat warmly, "He believ'd it was not lawful to Print it before it was sent up to the House of Peers for their Concurrence, and fear'd it might be Mischievous in the Effect; and therefore desir'd, if the Question, when it was put, should be carry'd in the Affirmative,

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native, he might have leave to enter his Protesta-
 tion: Whereupon Mr. *Jeffery Palmer*, and after-
 wards many others, cry'd out, *They did protest.*
 But next Day being spent in private Consultati-
 ons, and it being resolved not to admit that Pre-
 sident, that Men should protest against the
 Sense of the House; which indeed was not
 usual, this was the more readily embrac'd,
 because they should take a Hearty Revenge up-
 on Mr *Hide*, to whose Activity they imputed
 their Yesterday's Trouble; and he being the first
 that Protested, or rather ask'd Leave to do so,
 occasioned the subsequent Clamour, which in-
 deed was very disorderly. But here they were
 divided among themselves; all the Leading Vio-
 lent Men were glad of this Opportunity to be
 rid of Mr. *Hide*; but Sir *John Hotham*, *Chold-*
mondly, and *Stapleton*, in Memory to the Ser-
 vice he had done 'em against the Court of *York*,
 opposed the questioning of him, but were ready
 to join in prosecuting the rest, whereof there was
 a sufficient Number. This grew to so great a
 Difference among 'em, that for the present they
 agreed no farther, than that they would take
 Care that Afternoon that the Matter should be
 enter'd upon the next Morning; when some of
 them first enlarged themselves upon the Offence
 itself, that it never had been offered in that
 House before, and that they ought to take Care
 it never should again, by a severe Judgment of
 the House upon those who had been first guilty
 of the Presumption. Mr. *Hide*, who knew no-
 thing of their private Cabal, and had great Rea-
 son to think himself the Person design'd, stood up
 (tho' some of his Northern Friends by their Signs,
 which he understood not, advised him to the con-
 trary,) and said, "It behoved him to vindicate
 " what he had done, since he was the first who
 " men-

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“ mentioned the Protestation : Upon which there
was a great Noise and Clamour to withdraw,
and as great to speak. He went on and said,
“ He was not Old enough to be acquainted with
“ the Customs of that House, yet he knew any
“ Man in the House of Peers might enter his
“ Dissent against the Judgment of that House.
“ That he knew no reason why a Commoner
“ should not have the same Priviledge, if he
“ thought not fit to be involved in a Vote, which
“ might possibly prove inconvenient to him.
“ That he had not offer’d his Protestation a-
“ gainst the Remonstrance, because it continued
“ still within those Walls, but against the Print-
“ ing it, which he thought in many Respects
“ unlawful for them to do, and might be of
“ dangerous Consequence to the Publick
“ Peace.

WHAT he had said, and his Assurance in speak-
ing it, gave ’em great Offence ; and Mr. *Strode*
could not refrain saying, “ That Gentleman had
“ confessed enough himself, and therefore desi-
“ red he might withdraw ; which many others
likewise insisted upon, till Sir *John Hotham* rose
with some Warmth against it, and his Son accu-
sed Mr. *Palmer* as the first Occasion of the Dis-
order, by saying, *I do protest*, without the
Leave of the House first ask’d : And so Mr. *Pal-*
mer was call’d upon in a great Noise and Con-
fusion to explain himself ; which as he was going
to do, Mr. *Hyde* (who had so great a Love for
him, that he had rather suffer himself than that
he should,) spoke to the Orders of the House,
and said, “ It was never known a Practice in
“ that House, that a Man should be called upon
“ to explain what he had said Two Days before,
“ which ’tis probable was then lost to his Me-
“ mory ; and appeal’d to the House if they had
“ any

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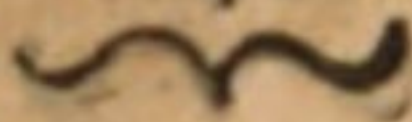
any Precedent of that kind. But they would not be diverted, till after a Debate of Two Hours he himself desired, ' That to save the House any farther Trouble, he might explain himself and withdraw, which he did. After a long Debate, and Night coming on, they order'd, ' That he should be sent to the *Tower*; the ' the Warm Men among 'em urging earnestly ' that he should be Expelled the House; having ow'd him a good Turn for his Civility to the Earl of *Strafford*; but at last they were content with his Commitment to the *Tower*, from whence he was in a few Days released, and sat in the House.

The Parties and Animosities ran so high, that this is all the Favour Mr. *Hide* received, little Consideration being had to his Services, performed but very little before this, against those Barons of the Exchequer, who had given their Opinions in favour of Ship-Money, and other but too Arbitrary Proceedings of these Times: For the Commons having prepared a Charge against the Lord Chief Baron *Davenport*, Baron *Weston*, and Baron *Trevor*, Mr. *Hide* was sent up with the Impeachment to the Lords, to whom he made an Excellent Speech, wherein he told them, ' there could not be a greater Instance of ' a Sick and Languishing Commonwealth than ' the Business of that Day; how could the guilt of late Years be punished, when the Judges themselves had been such Delinquents? That 'twas ' an Irregular, Extravagant and Arbitrary Power ' had broke in, like a Torrent, upon them, when ' the Laws, the Banks and Bulwarks of their Liberties, were in the Custody of such Persons, ' that Men who had lost their Innocence could ' not preserve their Courage, so that it could not be ' expected that those who had visibly undone them, ' should

should themselves have the Vertue or Credit to
rescue them from the Oppression of other Men ;
that it was once said by an Excellent Spokesman,
that the Twelve Judges were the Twelve Li-
ons under the Throne of *Solomon* ; under the
Throne in Obedience, but yet Lions ; that their
Lordships should hear that Day affixt, for there
were others Impeach'd, who (let them be what
they would otherwise) were no Lions ; who
upon Popular Fears delivered up the Precious
Forts they were entrusted with, almost without
any Assault, and in a tame and easie Trance of
Flattery and Servitude, shamefully lost and for-
feited that Reputation, Awe and Reverence, which
the Wisdom, Courage and Gravity of their Ve-
nerable Predecessors had fastned to the Places
they then held, and even rendred that Study
and Profession, which in all Ages had been, and
he hoped now would be, held in Honourable
Esteem, so Vile and Contemptible, that had not
that Blessed Day come, every Body would have
had such a Contempt of the Law itself, as *Ma-
rius* had of the *Greek* Language, which he dis-
dain'd to learn us, being that of a Nation who
lived in Bondage under others ; that he appeal'd
to those unhappy Gentlemen themselves, with
what strange Neglect, Scorn and Indignation,
we, and even the meanest of People, looked
upon them, since that Fatal Declension of their
Understanding in those Judgments, of which
they were then charged before their Lordships.
But yet that the Work of that Day was the
greatest Instance of a growing and thriving
Government too, and as the Dawn of a fair and
lasting Day of Happiness to the Kingdom ; that
it was in their Lordships Power (as he was sure
in their Inclination) to restore the dejected, bro-
ken People of this Island to their pristine Joy
and

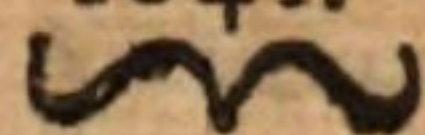
1641. and Safety; the Successors of the Accused to
 their former Knowledge and Esteem, & *sepultas*
prope leges revocare.

HERE having read Three several Charges against the Barons aforesaid, he observed to their Lordships, that the great Resolution in Ship-Money was a Crime of so prodigious a Nature, that it could not easily be digested by the Consciences even of these Men; but that as those who are to Wrestle, or Run a Race, did gradually prepare themselves by Diet and lesser Essays for the main Exercise; so those Judges entred themselves, and hardned their Hearts by more particular Incroachments upon the Law, by Taxes and Impositions upon Merchants, by Burdens and Pressures upon the Gentry, and by Knighthood, before they could arrive at that general Ruin of the Kingdom by Ship-Money, which flattered them with Rewards and Security for all their former Services; by doing the Work of a Parliament, in giving Supplies to the King, and seemed to elude Justice, in leaving none to Judge them; by making the whole Kingdom a Party to their Oppression: That those Three Judges seemed to be equally guilty of that Crime; for tho' the Lord Chief Baron was not charged with that Judgment in the Exchequer Chamber against Mr. *Hambden*, and that he hapned to fail in making his Conclusion from his own Premises, yet their Lordships saw how soon he repented that that Mischief was done without him there, by overtaking his Brethren in his Circuit; and that as 'twas said of the basest Sort of Flatterers, *Crudelissimo Servitutis Genere, quod intra se abominabantur, palam laudabant*, he made all possible haste to rescue himself from that Imputation of Justice, and publicly declared in the Face of the Country, that
 it

‘ it was adjudged by all the Judges of *England* 1641.
‘ that Ship-Money was due to the King. 

‘ T H A T he had nothing to say as to the Reso-
‘ lutions and Judgment itself, upon which their
‘ Lordships had passed their Noble Judgment;
‘ but that the first Charge in order was that pre-
‘ sumptuous Decree against Mr. *Rolls* and others;
‘ and that in reality what Gloss soever was put up-
‘ on it, it was no other than a plain Grant of the
‘ Subsidy of Tunnage and Poundage on all Mer-
‘ chandize to the King; that after their Goods
‘ were seiz’d for Non-payment of the pretended
‘ Duty, and that the Proprietors brought Reple-
‘ vins, the natural and genuine Remedy in Cases
‘ of Property, the Court Awarded an Injunction
‘ to stay them: That the Goods were in the King’s
‘ Possession, and no Replevin would lye against
‘ him. Here Mr. *Hide* tells their Lordships, that
‘ the Injustice was not so Scandalous as the Fraud;
‘ that every Body indeed knew, that neither a
‘ Replevin, nor any other Suit, lay against the
‘ King, if the Goods were in his own Hands,
‘ in his Bed-Chamber; but that to call a Seizure
‘ by Farmers, or the Ware-houses of the Cu-
‘ stoms, the King’s Possession, was to deprive the
‘ Subject of his proper Remedy, and the boldest
‘ Piece of Sophistry to be met with in a Court of
‘ Judicature. The *Civilians*, continues he, say, *Tutor*
‘ *Domini loco habetur, cum rem Administrat, non*
‘ *cum pupillum spoliat.* That the Office of Judges
‘ was to preserve and remedy Mens Rights; that
‘ they found here the known and unquestionable
‘ Right; what then must these Judges be called?
‘ That he was not willing to say much upon the
‘ Subject, ’twas enough their Lordships knew Tun-
‘ nage and Poundage were not a Duty to the
‘ Crown, but a Subsidy, and so granted in *Subsi-*
‘ *dium*; sometimes *pro una vice tantum*; sometimes
‘ for

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‘ for a Term of Years, then ceased when the
 ‘ Time expired; that when it was first granted
 ‘ for Life, it was with this Clause, *ita quod non*
 ‘ *trahetur in Exemplum futuris Regibus*; and ’twas
 ‘ abundantly enough manifest his Majesty could
 ‘ not be tainted with the Advices and Judgment of
 ‘ these Men, but looked on that Duty singly, as the
 ‘ meer Affection and Bounty of his Subjects, which
 ‘ doubtless he should never want.

‘ That the next Charge was concerning Imposi-
 ‘ tions, that Mr. *Vassall*’s Goods were seiz’d for
 ‘ not paying Imposts, which he looked upon to be
 ‘ against Law; that he was Imprison’d and had
 ‘ Judgment given against him, without suffering
 ‘ him to be heard, in point of Right, as having
 ‘ been before an adjudged Case in that of *Bates*’s;
 ‘ and that yet those very Judges did not think
 ‘ themselves so tied up by former Judgments, but
 ‘ that they had argued a Case since, upon the same
 ‘ Head, which was that of *Walsingham*, adjudged
 ‘ in *Hillary Term*, 15 *Eliz.* and continued after-
 ‘ wards by all the Judges of *England* in a Writ of
 ‘ Error in the 21st of that Queen’s Reign: That
 ‘ however they were seiz’d again with the same
 ‘ Modesty in the Case of a Noble Lord, not then
 ‘ present; that it was not then the Question, whe-
 ‘ ther the King without Consent of Parliament
 ‘ could lay Impositions upon the Merchants Goods;
 ‘ that that Matter was resolved, and nothing now
 ‘ could be said upon the Argument: Only he took
 ‘ leave to say, that if the King could by Letters
 ‘ Patents create such a Right to himself, and by
 ‘ a Legal Course recover that Right, under such
 ‘ a Title, that then such Letters Patents were no
 ‘ ways inferiour to an Act of Parliament: That to
 ‘ Reconcile such a Power in the Prince, with the
 ‘ Property of the Subject, so that the One should
 ‘ not be destructive of the other, would require
 ‘ a far

a far greater and subtler Genius, than he pretended to. 1641.

However, he proceeded, and told their Lordships, ' that he did not take the Judgment
' in the Case, to be so great a Crime in those
' Judges, as that they presumed to Judge at all ;
' that the Matter had been long debated in Parliament undetermined, and therefore not within the
' Cognizance of an Inferiour Court: That if what
' *Fortescue* says in his 36 Chapter of the Laws
' of *England* had not been true, *neque Rex per*
' *se aut Ministros suos, tallagia, subsidia, aut quæ-*
' *vis onera alia imponit, &c. sine Concessione vel*
' *Assensu totius Regni sui in Parlamento suo Ex-*
' *presso, &c.* That if the Statute *de tallagio non Con-*
' *cedendo*, if the Thirtieth Chapter of *Magna Char-*
' *ta*, and all other Statutes to that End, were not
' clear in the Matter, they might easily have apprehended so much Weight and Difficulty in the
' Question, (especially since the Word *Imposition*
' was not as much as found in any of their
' Law Books, till the Case in the Lord *Dyer*,
' 1 *Eliz.*) that they might very well have thought
' themselves no competent Judges to determine it;
' and he hoped from the Experience of that Parliament the Judges would recover that Ancient
' Modesty, to believe that some Cases might fall
' out which came not properly within their Jurisdiction. That in the 9th of *Edward II.* it being found by an Office, after the Death of *Gilbert de Clare*, Earl of *Glocester*, that his Sisters
' were his Heirs, *nisi Comitissa Glocestria esset pregnant*, the Question was, whether the King might
' give the Heirs the Livery, *in prejudicium Impregnaturæ*; but this being looked upon as a difficult
' knotty Business, and the King having Com-
' manded the Chancellor and Judges to give their
' Opinions in Writing, their Answer was, *quod*
' *non Audebant dictum Negotium definire, nec*
' *Domino*

1641. *Domino Regi consulere sine consensu Magnatum,*
propter raritatem & difficultatem; and that
 thereupon a Day was assigned the Parties *ad*
proximum Parliamentum: Then he appealed to
 their Lordships Knowledge of what special
 Care there was taken by the Statute of 14
 Edw. III. Cap. 5. that such difficult Matters
 as were not fit for the Judges, or through Eminent
 delay were not dispatch'd by them, should
 be determined in Parliament. Not that he would
 have the Parties concerned recur upon all
 Occasions to their Lordships Judgments, rather
 than the Rules and Proceedings of the Law,
 which might occasion much Mischief and
 Confusion, but in such Cases that had been delay'd
 only through the difficulty of them; and he wish-
 ed those Gentlemen had thought it a Matter of
 so much difficulty as required to be delay'd.

THE next thing he came to was the Charge
 concerning Knighthood, to which he said
 that Mr. *Maleveren* appearing upon the Pro-
 cesses of the Court of Exchequer, and submitting
 to the Fine, *posuit se in Gratiam Curie;* that
 the Barons refused to impose any Fine; that they
 had no Power to do that, but that he must
 Treat with certain Commissioners appointed
 for that Purpose, and Compound with them:
 He told their Lordships, that they had never
 met such Contradictions of Crimes in the same
 Men; and who could have expected that in one
 charge they should have the Mettle to
 usurp the Power, and to exercise the Jurisdic-
 tion of the Highest Court, the Court of Par-
 liament, and presently to want the Spirit to
 do what was so restrained and peculiar to their
 Places, and such as none else could do. They had
 not the Power to Fine; as if the whole Business
 of Sworn Judges in a Court of Judicature was
 to

‘ to Summon Men thither, and then to send them
‘ on Errands to other Commissioners for Justice:
‘ ’Twas true that the Commissions of 1 *Edw. II.*
‘ to *Tiptoffe* and *Berk*, and afterwards to others,
‘ were and had been to Compound with those
‘ who desired it, or otherwise that they had
‘ no Power to Compel or Fine any; that that
‘ Trust by Law was, and was only in the Judge;
‘ so that if that Duty was the King’s Right, and
‘ that the Persons liable to it refused to Com-
‘ pound, the King, for any thing those Judges
‘ could do, must lose that Duty, for that they
‘ could impose no Fine: Only they had found a
‘ Trick, which they called *the Course of the Court*,
‘ to make his Majesty a Saver. Let Persons appear
‘ when they would, plead what they would, sub-
‘ mit to the Mercy of the Court, *Issues* should go
‘ on still, as if they had done neither, till they had
‘ done somewhat that the Court would not or-
‘ der them to do, nor was bound to take Notice of
‘ when they had done. That their Lordships
‘ were to help them out of that Circle; and
‘ that they might see how incapable the Judges
‘ were of any Excuse in that respect, the very
‘ *Mittimus* out of Chancery expressly Com-
‘ manded them, among other Things, *ut fines*
‘ *omnium eorum qui juxta Proclamationem præ-*
‘ *dict. ordinem antè prædict. diem suscepisse debu-*
‘ *erant, Capiatis, &c.* It was worth their Lord-
‘ ships Observation, that that Misfortune com-
‘ monly attended (and might it ever) those ab-
‘ solute, refused Rights; that let the thing in
‘ itself be in some Measure lawful, the Advi-
‘ sers and Ministers of it so failed in the Execu-
‘ tion, that as it usually proved Grievous to the
‘ Subject, so by some Circumstances it proved as
‘ Penal to the Instruments, as if it were in the very
‘ nature

1641. nature of the Thing, against the Laws of
the Government.

He told their Lordships in what Dress of
Unjustice, Subtilty and Oppression, he very
unwillingly was forced to present those Judges
before them; that if they appear'd to their
Lordships under any other Character of known
and confessed Learning in the whole Course of
their Lives, their Lordships were only to judge
how far that aggravated their Faults: That if
under the Excuse of Ignorance, or but little
Knowledge in the Duties of their Places, their
Lordships would easily conclude what infi-
nite Mischief, of which their Lordships,
had no particular Information, the Sub-
jects had suffered in their Lives and Fortunes
under such Ignorance and Presumption: That if
under the Reputation of Prudence and Integrity
in all Cases, except those presented to their
Lordships, they would at least concur with the
Opinion the *Lacedemonian* had of the *Atheni-
ans*; that if they carried themselves well former-
ly, and ill now, they deserved a double Punishment,
because they were not Good as they had been, and
because they were Evil as they had not been.

That if the excellent and envied Constitution
of the Government had of late been Sick, their
Lordships saw the Cause of it; that if the
sweet Harmony between the King's Protection
and the Subjects Obedience had unluckily suf-
fered Interruption; that if the Royal Justice
and Honour of the best of Kings had been
mistaken by his People; that if the Duty and
Affection of the most faithful and loyal Nation
had been suspected by their Gracious Sovereign;
that if by these Misrepresentations and Misun-
derstandings the King and People had been
robbed of the delight and Comfort of each o-
ther

‘ther, and the Blessed Peace of the Island shaken
‘and frightened into Tumults and Commotions,
‘into the Poverty, tho’ not into the Rage, of War,
‘as a People prepared for Destruction and De-
‘solation: These were the Men that Actively or
‘Passively, by Doing and not Doing, had brought all
‘that upon them: *Misera servitus falso pax vo-*
‘*catur, ubi Judicia deficiunt, incipit bellum.* This
said, he concluded that he was Commanded by
the House of Commons to desire their Lordships
that those Three Judges might be speedily re-
quired to answer these Impeachments, and that
such further Proceedings might be had against
them as the Method and Justice of Parliament
would admit.

The King some time after his Return
from *Scotland* being resolved to make the
Lord *Falkland* Secretary of State, and Sir
John Colepepper Chancellor of the Ex-
chequer, the Lord *Falkland* was mightily
surprized at the first Intimation of it. Mr.
Hyde, who was in most Credit with him,
found it a difficult Task to persuade him to sub-
mit to the King’s Purpose chearfully, by assu-
ring him that in the most Laborious Parts of
his Office he would assist him the best he could;
but above all, he set before him the ill Conse-
quence of his Refusal, which would be impu-
ted to his Dislike of the Court, as if more would
be required of him than his Conscience would
suffer him to comply with. On the other Hand,
the great Advantage the King would probably
reap by his Promotion in such a general Defection,
was such, that he could thereby have an Oppor-
tunity of giving the King a juster Information of
his own Condition, and that of the Kingdom, than
’tis to be supposed had of late been given him;
besides, he would be better able to serve the
D King

1642. King in the House, where he was too well known to have it thought he attained his Promotion by any unworthy Means, or sinister Application. At last he was prevailed with to submit to the King's Pleasure.

The King resolved at the same time to remove another Officer that abused him most shamefully, and prefer Mr. *Hide* to his Place, who positively refused it, and assured his Majesty, ' That he could do him better Service as he was; that he had the Honour to
' be very intimate with the Two Persons
' his Majesty had so seasonably advanc'd, and
' by his Conversation with them should be
' so well instructed, that he could be more useful
' to his Service than if he was under a nearer
' Relation to it. The King, with a Gracious Countenance, replied, ' He found he must for
' some time defer the Desire he had of obliging
' him, but assured him he would both find a
' proper Time, and suitable Promotion for
' him, which he should not refuse. In the
' meantime he wish'd those Three would consult
' together, how to manage his Affairs in the
' House; and declared he would do nothing
' that concerned his Service in the House of
' Commons but by their joint Advice; tho' in a few Days he unfortunately swerved from it.

About this time, or a little before it, among other Grievances of the Nation, the Illegal Proceedings of the Earl Marshal was had up by the Commons, and Mr. *Hide* having had a Conference with some other of the Members about it, he spake very smartly and ingeniously to it in the House; calling those Proceedings a Piece of Pageantry. He set out the Illegality of them, and the Vexation wrought to the Subject by attendance

tendance and Expence, many times for a hasty Word, whereof the Law of *England* took no Notice, nor gave any Damage; that yet in this Court People were summoned, and were injuriously treated: Then mov'd the House to declare their Sense of those Proceedings; and being seconded therein, the House voted, that the Court and their Proceedings were Illegal, and a Grievance.

But the time was now hastning, when Mr. *Hide* finding that things were carried to too great an Extream in the House of Commons, he began thoroughly to espouse the Royal, as the Juster, Cause, whereas the Lord Keeper *Littleton* in the House of Lords silently suffering all Matters to be carried to the Prejudice of His Majesty, and using too great a Complaisance towards the prevailing Party; Mr. *Hide*, who was much trusted by the King in the House of Commons, and had ever borne the Keeper a great Respect, was as much concerned at his Behaviour as any Man, and with great Freedom told him; how much he was fallen in the Esteem of all good Men, and that the King cou'd not but be highly displeas'd with him; and then discours'd upon the Matter of an odd Vote that had pass'd. Tho' he was ignorant how much the King did at that time trust Mr. *Hide*, he was not ignorant that his Majesty had a good Opinion of him; so that as soon as he had enter'd upon this Discourse, to which he was very attentive, he went to the Door, (they being by themselves in his Study at *Exeter-House*,) and finding some Persons in the next Room, he order'd them to withdraw, and locking both the Door of that Room and his Study, he begun with giving Mr. *Hide* many Thanks for his Friendship, which he cou'd not more manifestly esteem than by using freedom again with him,

1642. him, which he designed to do. Then he bewailed his own Condition; and that he had been advanc'd from the Common-Pleas, where he was acquainted with the Business and the Persons he had to deal withal, to an higher Office, which required him to deal with another Sort of Men, and in Affairs to which he was a Stranger; nor had he one Friend among 'em, with whom he cou'd confer upon any Difficulty that occur'd to him. He spoke then of the unhappy State of the King's Affairs, how ill he was used by those about him, and said, ' They wou'd never do this if they ' were not resolved to do more; he foresaw it ' could not be long before a War wou'd break ' out in the Nation; and of what Importance in ' that Season the Great Seal should be with his ' Majesty; that no Man should be more willing ' to perish with and for his Majesty; the Pro- ' spect of which Necessity had made him com- ' ply so much with that Party, that there had ' lately been a Consultation, whether in Regard ' the King should send for him, or the Great Seal ' be taken from him, it were adviseable to keep it ' in some secure Place, which the Keeper should ' always receive upon Occasion, they having ' no Intent to disoblige him; the Knowledge ' of which had induced him to Vote, as ' he did in the late Debate, and by that Com- ' pliance, which he knew wou'd give the King ' very ill Impressions of him, he had gained so ' much Credit with them, that he should be a- ' ble to preserve the Seal in his own Hands, till ' his Majesty should demand it, and then he ' wou'd be ready to wait on the King with ' it.

Within a few Days after the King, then at *York*, sent an Order to the Lord *Falkland* to demand the Seal from him. His Majesty wish'd 'em

'em (for the Chancellor of the Exchequer and Mr. *Hide* were always included in such References) to consider, whether they thought the Lord Chief Justice *Banks*, or Mr. *Selden*, were the most proper for it. Hereupon Mr. *Hide* told 'em of his Conference with the Keeper, and what Professions he had made, and was very positive he wou'd punctually perform it, and therefore proposed, That when they sent their Opinions of the other Persons, they wou'd advise his Majesty rather to write kindly to the Lord Keeper to bring the Seal to him, than send for the Seal itself, and lay him aside. To this, after some Doubts, the other Two consented, and their Letters were dispatch'd away that very Night. The King was mov'd with their Reasons, and glad to find Mr. *Hide* so confident of the Keeper, but still continued doubtful, and resolved to send both for him and the Seal, upon a *Saturday* in the Afternoon, because then there cou'd be no Notice taken of it till *Monday*. Mr. *Hide* continued to visit the Keeper frequently, and finding him firm to his Purpose, and of Opinion, in regard of the high Temper the House was in, that it cou'd not be delayed, he told him, ' Next Week he might expect a Messenger; that he wou'd once more wait upon him, ' and tell him the Day, and would then set out ' himself before him for *York*; with which he was much pleased, and the Keeper actually followed him. Mr. *Hide* from henceforward continued with the King, whom he served with utmost Application and Fidelity; and indeed His Majesty found him very useful to him, not only in his Council, but also in drawing his Declarations and Replies to the Parliament from time to time. All things tending furiously towards a Civil War, Sir *Edward Hide* (his Majesty having now thought first to Confer the Honour of Knight-

1642. hood upon him) attended him to *Nottingham*, where on the 23d of *August* the Standard was set up, and the Action, as *Sir Edward* himself owns, was attended with such Omens as foreboded no good to the Cause. The Parliament were so incensed with *Sir Edward's* leaving them, and espousing the King's Quarrel, that in their Instructions to their General, the Earl of *Essex*, they excepted him, among a few others, from any Grace and Favour from them.

1644. *Sir Edward Hide* being a Gentleman of the Gown, and not of the Sword, it was not his Province to fight as a Soldier, and for that Reason there cannot be so much mention made of him, as of some others, in the Course of the Civil War, which however he has Excellently well describ'd in his History of those Times; but when the Treaty of *Uxbridge* was set on foot between the King and Parliament, *Sir Edward Hide*, some time before made Chancellor of the Exchequer, in the room of the Lord *Colepepper*, Created Master of the Rolls, was constituted one of the Commissioners by his Majesty; but when his and the others Names were return'd to *Westminster*, the Parliament made a scruple against the Additions and Appellations of Titles made to the Names of *Sir Edward*, and some others, and after long Debate they were contented to insert their Names in their safe Conduct, without their Honours, or Offices; and they were so Angry with the Chancellor of the Exchequer, that they had no Mind that he should be stiled a Knight, because he was not so when he left the Parliament: But the *Scotish* Commissioners prevail'd in that Point, since they had not yet pretended to take away the Use of the King's Sword from him: So they allow'd him, by a Majority of Votes, to be a Knight, and

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and sent their Safe Conduct, in the manner aforementioned, to *Oxford*: The Treaty began in the beginning of *February*, but as to the Particulars thereof we shall confine our selves only to the Share Sir *Edward Hyde* had only in it; and therefore it's to be Noted, that upon the first entring upon it, the *Earl of Lowden*, Chancellor of *Scotland*, visited the Duke of *Richmond* privately in his Chamber, and was very willing to have private Conference there with the Chancellor of the Exchequer; upon which the Duke, who knew well the other would not decline it, sent to him, and he upon Notice presently went to the Duke's Chamber, where he found them both; and after some short Compliments, the *Earl* told him how stoutly he had defended his *Knighthood*; which the *Parliament* had resolved to have denied, if he had not convinced them. Then he discoursed of the great Prejudice the *Parliament* had against him, as a Man who more industriously oppos'd Peace than any other of the *King's Council*; that he had now a good Opportunity to wipe off all those Jealousies, by being a good Instrument in making this Peace, and by perswading his Majesty to comply with the Desires and Supplications of his *Parliament*; which he hoped he would be. The Chancellor told him, ' That the King did so much
' desire a Peace, that no Man need advise him
' to it, or could divert him from it, if fair and
' honourable Conditions of Peace were offer'd
' to him; but if a Peace could not be had, but
' upon such Conditions as his Majesty judged in-
' consistent with his Honour, or his Conscience,
' no Man could have Credit enough to per-
' swade him to accept it; and that for his own
' Part, without reflecting upon the Good and
' Ill Opinion the *Parliament* might have of him,

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' he would dissuade him, from consenting to it. The other seem'd disappointed in his so positive Answer; yet, with great Freedom, enter'd upon Discourse of the whole Matter; and, after some kind of Apology, that *Scotland* was so far engaged in the Quarrel, contrary to their former Intentions and Professions, he did as good as conclude, ' that
 ' if the King would satisfy them in the Business
 ' of the Church, they would not concern themselves in any of the other Demands. In which Proposition, finding no kind of Compliance from the Chancellor of the Exchequer, but sharp Protestations against the Demands, as inconsistent with Conscience, Justice, or Religion, the Conference broke off without any Inclination in either of them to renew it. But from that time there was more Contradiction and quick Repartees between them Two throughout the Treaty, than between any other of the Commissioners. The Debates began with the Church, and after the Ecclesiasticks had said what they thought fit about the Affair, when the last of the Three First Days was past, and that the *Scottish* Commissioners observ'd that nothing was consented to which they expected, the Chancellor of *Scotland* enter'd into a long Discourse against Bishops, ' of the late Troubles in *Scotland*, and
 ' of the present Troubles in *England*: He remember'd, ' that the Arch bishop of *Canterbury* had pursued the Introduction of the Liturgy and the Canons into *Scotland* with so great Vehemence, that when it was desired
 ' that the publishing them might be suspended for one Month, that the People might be the better prepared to submit to what they had not been before acquainted with, he wou'd by no Means consent to that delay, but caused it to be enter'd upon the next Sunday, against
 ' the

the Advice of many of the Bishops themselves; 1644.
which put the People into such a Fury that
they could not be appeased. He lamented and
complain'd, that Three Days had been now
spent in Fruitless Debates; and that though
their Divines had learnedly made it appear,
that Episcopacy had no Foundation in Scrip-
ture, and that it might be lawfully taken a-
way; and that notwithstanding it was evident
that it had been the Cause of great Mischief,
and the Wisdom of Parliament had thought
the utter taking it away to be absolutely neces-
sary for the Preservation of the Kingdom,
their Lordships were still unmoved, and had
yeilded in no one Particular of Importance to
give them Satisfaction; from which they could
not but conclude, that they did not bring that
Hearty Inclination to Peace which they hoped
they would have done; and so concluded with
some harsher Expressions than were expected.

WHEREUPON the Chancellor of the Ex-
chequer, not without some Commotion, said,
that he did not wonder that their Lordships,
who had for some Years been accustomed to
such Discourses, and the more inclin'd to sup-
pose all that was confidently said to be reasona-
bly prov'd, and having not been used to con-
verse with any Persons of a contrary Opinion,
had been brought to consent and approve those
Alterations which they had proposed; but
that it seemed very admirable to him that
their Lordships could expect or imagine it
possible, that they who never had heard such
things said before, nor could understand in so
little time what had been now said, should
depart from a Faith, and Form of Worship,
in which they had been Educated from their
Cradle; and which, upon so long Observati-
on,

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on, and Experience, they looked upon with all possible Approbation and Reverence, upon only hearing it inveighed against Three Days; which would have been much too little time to have warranted a Conversion from much less Important Opinions they had so long entertain'd; though their Arguments had as much weight as they wanted. He said, They were of Opinion, that all those Mischiefs and Inconveniencies which they had mention'd, had in Truth proceeded from an over vehement Desire to overthrow Episcopacy, not from the Zeal to support it: That if the Archbishop of *Canterbury* had been too precipitate in pressing the Reception of that, which he thought a Reformation, he paid dearly for it; which made him the more wonder that they should blame them for not submitting to much greater Alterations, than were at that time propos'd, in Three Days, when they reproached them for not having given them a whole Month to consider of it. He said, 'He might assure their Lordships with great Sincerity that they were come thither with all imaginable Passion and Desire that the Treaty might conclude in a happy and blessed Peace, as he still hoped it would; but if it should be otherwise, that they would still believe their Lordships brought with them the same Honourable and Pious Inclinations, though the Instructions and Commands from those who trusted them restrain'd them from consenting to what in their own Judgments seem'd reasonable. And so, without any manner of reply, both Sides arose, and departed.

As to the Business of the *Militia* Sir *Edward Hide* was a great Stickler, and positively insisted it was of Right in the King; and when the Parliament's

liament's Commissioners entred upon the Affairs of *Ireland*, and the Mismanagement wherewith they charg'd his Majesty, the King's Commissioners prepared and deliver'd an Answer in Writing to all their Demands; and the Chancellor of the Exchequer by Appointment enlarged upon the Particulars, which proved the Councils that had been taken just and necessary. This he did so particularly and convincingly, that those of the Parliament were in much Confusion, and the King's Commissioners much pleased. He put them in mind of ' their bringing those very
' Troops, which were levied by the King's Authority for the Suppression of the Rebellion in
' *Ireland*, to fight against the King at *Edge-Hill*,
' under the Command of the Earl of *Essex*; of
' their having given over the Prosecution of that
' War, or sending any Supply of Arms, Money
' or Ammunition thither; having imployed
' those Magazines which were provided for
' that Service against his Majesty; infomuch
' as the Privy Council of that Kingdom had
' sent to his Majesty, that he would provide
' some other Way for the preservation of that
' Kingdom, since they could not be able to support the War any longer against the United
' Power of the Rebels: That all Overtures,
' which his Majesty had made towards Peace
' had been rejected by the Parliament; and One
' Hundred Thousand Pounds, brought in by the
' Adventurers for *Ireland*, had been sent in One
' entire Sum into *Scotland*, to prepare and dispose that Kingdom to send an Army to invade
' this, which they had done, and till then his
' Majesty had not, in the least degree, swerved
' from the observation of that Act of Parliament. But when he saw that the Parliament,
' instead of prosecuting the End and Intention of
' that Statute, applied it wholly to the carry-
' ing

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ing on the War against himself, he thought
 himself absolv'd before God and Man, if he
 did all he cou'd to rescue and defend himself
 against their Violence, by making a Cessation
 with the Rebels in *Ireland*, and by drawing
 over some Regiments of his own Army from
 thence to assist him in *England*: Which Cef-
 sation had hitherto preserved the Protestants
 of that Kingdom, who were not able without
 Supplies to preserve themselves from the
 Strength and Power of the Rebels; which
 supplies his Majesty could not, and the Parlia-
 ment would not, send; and therefore if the
 Protestants there should hereafter be oppres-
 sed by the Rebels, who every Day procured
 assistance from abroad, and so were like to be
 more Powerful, all the Mischiefs and Misery
 that must attend them, would, before God
 and Man, be put to the Account of the Parlia-
 ment, which had defrauded them of those
 Supplies, which, by his Majesties Care, had
 been raised, and provided for them; and not
 to his Majesty, who had done nothing but
 what he was obliged to do for his own Preser-
 vation; and if he had not sent for those Sol-
 diers from *Ireland*, they could not have staid
 there without a Supply of Money, Cloaths,
 and Provisions, which the Parliament had not
 yet sent to that Part of the Army which re-
 main'd there, and which could by no other
 Way have subsisted, but by the Benefit and
 Security of the Cessation. He told them, that
 all this unjustifiable Way of proceeding,
 though it had compelled the King to yeild to a
 Cessation, yet could not prevail with him to
 make a Peace with the *Irish* Rebels, from
 whom he had admitted Commissioners to at-
 tend him with Propositions to that Purpose;
 but

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‘ but that when he found those Propositions
‘ and Demands so unreasonable, that he cou’d
‘ not consent to them in Conscience, and that
‘ they were inconsistent with the Security of
‘ his Protestant Subjects there, he had totally
‘ rejected them, and dismissed their Commissio-
‘ ners with severe and sharp Animadversions:
‘ Yet that he had given his Lieutenant and
‘ Council there Authority to continue the Cef-
‘ sation longer, in hopes that the Rebels there
‘ might be reduced to better Temper; or that
‘ his Majesty might be enabled by a happy
‘ Peace here, which he hoped this Treaty
‘ would produce, to chastise their odious and
‘ obstinate Rebellion: And if the Parliament
‘ would yet give his Majesty sufficient Caution
‘ that the War should be vigorously prosecuted
‘ there against the *Irish*, by sending over strong
‘ Supplies of Men and Money, he would put
‘ an End to that Cessation without declaring it
‘ to be void, which otherwise he could not in
‘ Justice do, and the doing whereof would be
‘ to no Purpose.

THO’ these Recriminations had little Appearance of a Peace to ensue, yet the Earl of *Pembroke*, one of the Parliament’s Commissioners, returning a Visit late one Night to the Chancellor of the Exchequer, all his Discourse tended to perswade him to think it reasonable to consent to all that the Parliament had demanded; but all in vain, and a manifest Coldness and Reservedness begun now to creep in between the Commissioners on both Sides, and so continued to the End of the Treaty.

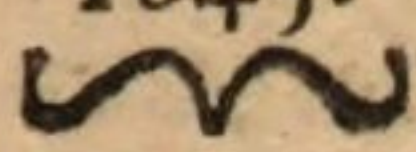
NOT long after the Treaty was broke up, and the King’s Commissioners were returned to *Oxford*, the King thought fit to send the Prince of *Wales* into the West to have a Superintenden-
cy

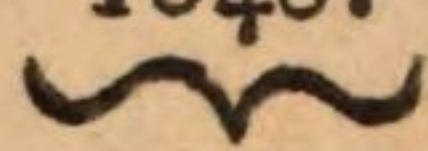
1645. cy over the Affairs of those Parts, and the Chancellor of the Exchequer, together with the Lords *Capel*, *Hopton* and *Colepepper*, were appointed by his Majesty to attend his Highness, and to be of his Council: He serv'd the Prince with utmost Application and Fidelity, tho' perhaps often without equal Success, a great many unforeseen Rubs and Difficulties arising, which the Passions of some, and the Prejudices and Weakness of others, did produce. The King's Affairs after the Fatal Battle of *Naseby* declining apace, and his Majesty being come to *Ragland* in *Wales*, he sent an Express to the Prince, by which he wished ' that the Lord *Colepepper*, ' and the Chancellor of the Exchequer, might ' as soon as was possible attend his Majesty. The Chancellor being unfit to travel by reason of the Gout, the Lord *Colepepper* made all possible haste out of *Cornwal*, where the Prince then was, and found his Majesty at *Cardiff*, and waited on him to *Brecknock*; from whence he was again dispatched with a Letter dated *Aug. 5th* to the Prince; importing, that whenever he ' found himself in apparent Danger of falling in- ' to the Rebels Hands, that he should convey him- ' self into *France*, and there to be under his ' Mother's Care; who was to have the absolute, ' full Power of his Education in all things, ' except Religion.

Upon the Receipt and Perusal of this Letter, the Lords *Capel*, *Hopton*, and Chancellor of the Exchequer, (who generally drew up the Forms,) had Two or Three sad Debates between themselves, and agreed upon ' a Letter to be pre- ' pared in Cipher, presenting their Reasons, ' and what they had been inform'd concerning ' *France*, and therefore offer'd it to his Ma- ' jesty, whether he would not leave the Choice ' of

of the Place to them, or nominate some other, against which so many Exceptions might not be made; and proposed *Ireland*, (if the Peace were made there,) or *Scotland*, if the Marquis of *Montrofs* was as Victorious as he was reported to be; withal assuring his Majesty, that, in case of Danger, they would run any Hazard, or into any Country, before the Prince should fall into the Hands of the Enemy.

The King on his Part by repeated Letters was for the Prince's going out of the Kingdom to *France*, *Denmark* or *Holland*: And being in his last of the 7th of *December* positive for his departure, the Chancellor of the Exchequer and the rest of the Council were much troubled at it, and upon the whole Matter they were unanimously of Opinion, that the Relief of *Exeter* was to proceed in the manner before agreed on, and that the Prince's Person was to be present at it: And thereupon sent an Express to the King, with a Dispatch sign'd by the Four who were trusted, a Duplicate whereof was sent by another Express the next Day, in which they presented a clear State to his Majesty of his Forces, and the Hopes they then had of improving their Condition by the Prince's Presence; of the Condition of *Exeter*, and of the Strength, as they conceiv'd, of the Enemy before it; and of the Inconveniency, if not the Impossibility, of obeying his Majesty at that time. They farther inform'd his Majesty of the great Indisposition that they perceiv'd in all the Servants towards his Highness leaving the Kingdom; and that the Jealousie was so great of his going into *France*, that they had reason to believe, that many who were very Faithful, and tender of his Safety, would rather wish him

1645.  him in the Hands of the Enemy, than in that Kingdom; and therefore, when the time of Neceffity should come (which they assured his Majesty they would with any Hazard watch and observe) they must prefer the continuing him still within his Majesty's own Dominions, and so to waft him to *Scilly* or *Fersey*, and from thence conclude what was to be done farther. They presented likewise their humble Opinion to him, that in case he should be engaged in a Personal Treaty at *London*, how inconvenient it might be, without the Privy of those Councillors, whom he was then to trust, to Transport the Prince, except in Danger of Surprizal, before the Issue of that Treaty might be discern'd: Assuring his Majesty, that nothing should put his Highness's Person into the Hands of the Parliament but his Majesty's own Commands; which they should not resist in his own Dominions, nor they conceiv'd any Body else, if he were out of them.

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The King in his Letter of the 5th of *February* very much approved of the Steps the Chancellor and the rest had taken, but the Parliament's Arms soon after prevailing almost everywhere, the Chancellor and the rest concluded the Prince should be transported to *Scilly*, where he safely arrived in *March*, and from thence by the Council's Advice (among whom the Chancellor was always in chief Regard) on the 17th of *April* was carried over unto *Fersey*. The Queen all this time being very Sollicitous about the Prince's Safety and in Reality desirous to have him with her in *France*, wrote a Letter to the Chancellor of the Exchequer, that the Lord *Colepepper* could Witness for her that she

she had patiently and at large heard all that he could say concerning the Condition of *Scilly* and all that had been proposed for rendering the Prince of *Wales* his Abode there safe, that yet she must confess to him, that she was so far from being satisfied in that Point, that she should not sleep in quiet until she should hear that the Prince of *Wales* should be removed from thence. That it was confessed it was not sufficiently Fortified, and was Accessible in divers Places; and the Manning the Works would require a Thousand Men more than he had, or, for ought she could see, could procure; neither could the Chancellor be confident that the Loss of *Cornwal* might not suddenly have a Dangerous Influence upon that Garrison; most of their Soldiers being of that Country. That the Power of the Parliament at Sea was so great, that they could not rely upon the Seasonable and Safe Conveyance of such Proportions of Provisions, as so great a Garrison would require: That she had no need to remind him of what Importance to the King, and all his Party, the Safety of the Prince's Person was: That if he should fall into the Rebels Hands the whole would thereby become desperate; and therefore she importunately conjured him to intend that Work as the principal Service he cou'd do to the King, her, or the Prince. *Colepeper* would tell him how she had strain'd to assist him with present Provisions, Shipping, and Money, necessary for the Prince's Remove to *Fersey*, where he should want nothing. Besides, for the Satisfaction of others, she had moved the Queen Regent to give Assurance, that if the Prince in his Way to *Fersey* should be necessitated by contrary Winds, or the Danger of the

1646. Parliament Shipping to touch in *France*, he should have all Freedom and Assistance from thence, in his immediate Passage thither; which was granted with great Chearfulness and Civility, and would be subscribed under the Hands of the *French* King and Queen, her Brother, and Cardinal *Mazarin*; therefore she hop'd all Scruples were now satisfied. That *Colepepper* was hastening to them with good Frigots; but if he should find any Danger before their Arrival, she should rely upon his Care not to omit any Opportunity to prevent that Danger, according to the Resolution in Council, which *Colepepper* hath acquainted her with, for which she thank'd him. That she need not tell him how acceptable this Service would be to the King, who in every Letter pressed her to write to him concerning his Son's Safety.

THE Prince upon the Lord *Colepepper*'s Arrival shewing some Inclination to and for *France*, the Chancellor of the Exchequer among others of the Council was very much averse to it, urging to his Highness the Conduct of the *French* since the beginning of the Civil War; how it had been originally fomented, and afterwards countenanced by them; that there was no Evidence that at that time they were more inclined to him than to the Rebels; that it would be necessary they should make some publick Declaration on his Majesties behalf, before the Heir Apparent of the Crown should put himself into their Hands. At last they prevailed with the Prince to send the Lords *Capel* and *Colepepper* again to the Queen, to present the Weightiness of the Matter to her Majesty, and gave them Instructions accordingly.

THE

THE Lord Digby about this time arriving in the Isle of *Fersey* from *Ireland*, and having used all the Arguments and Rhetorick he could to perswade the Prince to go into that Kingdom with no great Success, he then attacked the Chancellor of the Exchequer, with whom he had a particular Friendship, and lamented to him the loss of such an Occasion, which would inevitably Restore the King, who would be equally ruin'd if the Prince went into *France*; of which he spoke with all the Detestation imaginable; and said, he was so far satisfied in his Conscience of the Benefit that would redound from the one, and the Ruin which would inevitably fall out by the other, that, he said, if he with whom he held this Conference would concur with him, he would carry the Prince into *Ireland*, even without and against his Consent. But the other answer'd, ' that it was not to be attempted without his Consent; nor could he imagine it possible to bring it to pass, if they should both endeavour it. He replied, that he would invite the Prince on Board the Frigots he had to a Collation; and that he knew well he could so commend the Vessels to him, that his own Curiosity would easily invite him to a View of them; and that as soon as he was on Board he would cause the Sails to be hoisted up, and make no Stay till he came into *Ireland*: But the Chancellor was very angry with him for entertaining such Imaginations; and told him, ' they neither agreed with his Wisdom nor his Duty.

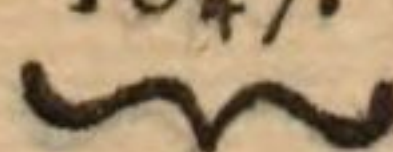
THE Lord Digby being not able to carry his Point as to *Ireland*, repair'd from *Fersey* into *France*, where being brought quite to change his Mind in respect to the Place of the Prince's Removal, he hastned back to *Fersey*, used all

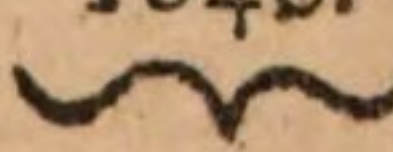
1646. the Means he could to perswade the Chancellor of the Exchequer to concur in his Advice for the Prince's immediate Repair into *France*. He told him all that had passed between Cardinal *Mazarin* and him, not leaving out any of the Expressions of the high Value his Eminence had of his particular Person: That an Ambassador was chosen to go to *England* by his Advice, and his Instructions drawn by him, from no part of which the Ambassador durst swerve; that a War would be presently proclaimed upon the Parliament's Refusal to do what the Ambassador required; and that there wanted nothing to the expediting that great Affair but the Prince's repairing into *France* without farther delay, there being no other question concerning that Matter, than whether his Highness should stay in *Jersey*? Where there could be no question of his Security, until he could receive express Direction from the King his Father, and therefore he conjured his Friend to concur in that Advice, which would be very grateful to the Queen, and be attended with much Benefit to himself; telling him 'how kind her Majesty was to him, and
' how confident she was of his Service; and that
' if she should be of another Opinion it would
' not hinder the Prince from going, who,
' he knew, was resolv'd to obey his Mother.

THE Chancellor told him, whatever the Prince would be disposed to do he could not change his Opinion in Point of Counsel, until the King's Pleasure might be known: He put his Lordship in mind, 'how he had been before deceiv'd at *Oxford* by the *Comte de Harcourt*, who was an Ambassador likewise, as she then thought, named by themselves,
and

and whose Instructions he had likewise drawn; 1646.
and yet he could not remember how foully
that Business had been managed, and how
disobligingly he himself had been treated by
that Ambassador; and therefore he could not
but wonder that the same Artifices should again
prevail with him; and that he could ima-
gine that the Instructions he had drawn
would be at all consider'd, or pursued, far-
ther than they might contribute to what the
Cardinal for the present design'd; of the In-
tegrity whereof they had no Evidence, but
had Reason enough to suspect it.

THE King's Affairs growing worse and worse,
the Prince at length resolved to go for *France*,
tho' Sir *Edward Hyde*, and all his Council, save
One, were against it, and excused their Atten-
dance upon him thither; more particularly the
Lords *Capel*, *Hopton*, and the Chancellor of the
Exchequer, remain'd together in *Fersey*, to ex-
pect the King's Pleasure, and to attend a Con-
juncture to appear again in his Majesties Ser-
vice; of all which they found an Opportunity
to inform him, who very well interpreted all
that they had done according to the Sincerity of
their Hearts. Nay, some time after the Lord
Capel went from *Fersey* and waited on the
King, then at *Hampton-Court*, and gave him
a particular Account of all that passed at *Fersey*,
before the Prince's Remove from thence, and of
the Reasons which induced those of the Coun-
cil to remain still there, and of many other
Particulars, of which his Majesty had never be-
fore been thoroughly inform'd, and which put
it out of any Body's Power to do the Chancel-
lor of the Exchequer any ill Offices: And from
thence the King writ with his own Hand a
very kind Letter to him at *Fersey*, full of Hope

1647.  that he should shortly draw him; and some other of his Friends, to him. He thanked him for undertaking the Work he was upon, that is, Writing *the History of the Civil War*, and told him he should expect speedily to receive some Contribution from him towards it; and within a very short time afterwards he sent to him his own Memorials, (or those which by his Command had been kept, and were perused and corrected by himself,) of all that had passed from the time he had left his Majesty at *Oxford*, when he waited upon the Prince into the West, to the very Day that the King left *Oxford* to go to the *Scots*.

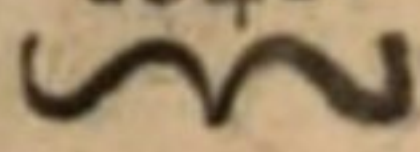
SIR *Edward Hyde* having spent about a Year and a half in *Fersey*, (and that chiefly in compiling that Work,) and there being in the mean time several Risings concerted in *England* in Favour of the Royal Cause, the Lord *Capel* writ him an Account of the Hopes he had of a good Conjunction, and his own Resolution to Embark himself in that Attempt, as soon as it should be ripe; and signified the King's Command to him, that as soon as the Chancellor should be required to wait upon the Prince, he should without delay obey the Summons: And the King had likewise writ to the Queen very positively, that when it should be necessary for the Prince to remove out of *France*, the Chancellor should have notice of it, and be required to give his Attendance upon the Person of his Royal Highness, in the Condition he had formerly done. About the beginning of *May*,
 1648.  in the Year 1648, the Lord *Capel*, who had always corresponded with the Chancellor, and inform'd him of the State of Affairs, and all that concern'd himself, writ to him, that all Things were now so ripe, that he believ'd the Prince

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Prince would not find it fit to remain longer in *France*; and thereupon conjured him that he would be ready, if he should be sent for, as he was confident he would be, to attend upon his Highness, which, he said, all the King's Friends expected he should do, and which he was resolv'd to do as soon as the Prince should be out of *France*, though he should receive no Order or Invitation so to do. About the middle of that Month, the Queen, according to his Majesties Command, sent to the Chancellor of the Exchequer to *Fersey*, commanding that he would wait upon the Prince in the *Louvre* at *Paris* upon a Day that was past before the Letter came to his Hands. But he no sooner receiv'd the Summons than he betook himself to the Journey, and to transport himself into *Normandy*; where, after he was landed, he made what haste he could to *Caen*, supposing he should there find Secretary *Nicholas*, who had given him notice that he had receiv'd the same Command. When he came to *Caen* he found the Secretary's Lady there, but himself was gone to *Roan*, to the Lord *Cottington*, and intended to stay there till the other should arrive, and to consult together there upon their farther Journey. The Chancellor hasten'd to *Roan*, where he found the Lord *Cottington*, who had still the Title and Precedency of Lord High Treasurer of *England*, the Old Earl of *Bristol*, and Secretary *Nicholas*, who were all his very good Friends, and very glad of his Arrival. They had receiv'd Intimation the Day before, that the Prince, with all his small Train, was pass'd by towards *Calais*; and Direction was sent, that the Chancellor, whom they supposed to be on the Way, and the rest, should stay at *Roan*, till they should receive

1648. new Orders from *Calais*, where his Highness would take new Measures what he was to do.

THE Design of the King and Prince's Friends in *England* unhappily miscarrying, and the Lord *Lauderdale* being sent to his Royal Highness, now at the *Hague*, to invite him into *Scotland* in the Name of the Parliament of that Kingdom, the Matter was debated in the Prince's Council, of which the Chancellor of the Exchequer was one; and when *Lauderdale* had said all he intended to the Matter, he sat still, as if he expected to hear what the Prince or any Body else would say to what he proposed: Upon which it being moved, 'that if he had no more
' to say he should withdraw, to the end that
' the Council might debate the Matter before
' they gave their Advice to the Prince; he took this Motion very ill, and said, 'he was a
' Privy Counsellor to the King in *Scotland*, and
' being likewise a Commissioner from the Parliament, he ought not to be excluded from
' any Debate that concern'd the Affair upon
' which he was employed. He urged this in so imperious and offensive a Manner, that drew on much sharpness; and the Chancellor of the Exchequer, who knew him very well since the Treaty at *Uxbridge*, where they had often differ'd in Matters of the highest Importance, treated him with the same Liberty they had then been accusom'd to. He told him he meant not to say any thing in that Debate when he should be withdrawn that he desired should be concealed from him, or unheard by him; and that he was ready to say, that, in his Judgment, all he had proposed was very unreasonable; but he would not that the Dignity
of

of the Board should be prostituted to his Demand, nor that he should be present there at any Debate. 1648. 

THIS chafed *Lauderdale* to a high Degree, but the News of the Defeat of the Duke of *Hamilton* and the Scots Army at *Preston* in *Lancashire* arriving at the *Hague* in this Conjunction, broke all his Measures, so that he had little else to do now than to return Home; while there arose divers Janglings and Animosities between some of the Prince's Council at the *Hague*, which Sir *Edward Hyde* was ever intent and dexterous to Compose; more particularly he used all his Skill, Prudence and Diligence, to make up a Breach between Prince *Rupert* and the Lord *Colepepper*, and at last happily effected it by bringing the latter to make his Submission to the Prince.

Some time before King *Charles I.* was Barbarously Beheaded, the Marquis of *Montrose* retired out of *Scotland* into *France*, and being afterwards come to *Brussels*, he sent to the Young King a Tender of his Service, and to know, 'if
' his Majesty thought his Attendance upon him
' might bring any Prejudice to his Majesty;
' and if so, that he would send over the Chancellor of the Exchequer to *Sevenberg*, a
' Town in *Flanders*, where he was then to expect
' him, and had Matters to Communicate to
' him of much Importance to his Majesty's
' Service. The King commanded the Chancellor presently to go to him; and 'if he could,
' without exasperating him, wished he might
' be perswaded rather for some time to suspend
' his coming to the *Hague*, than presently to
' appear there; which was an Injunction very disagreeable to the Chancellor, who in his
Judg-

1649. Judgment believ'd his Majesty should bid him very Welcome, and Prefer him before any other of that Nation in his Esteem.

THEY met at last at a Village Three or Four Miles off the *Hague*, whither the Marquis was come. They spent that Night together in Conference, and then next Morning the Chancellor prevailed with him, with great difficulty, that he would stay in that Place, which did not abound with all things desirable, or somewhere else, until he might give him Notice what the King's Sense should be of the Matters discoursed between them; insisting principally, that if his going into *Scotland* should be thought presently to be necessary, it would then be as necessary, that he should not be taken notice of publickly to have been with the King, with which Reason he seem'd satisfied.

The King finding he was but indifferently used by *France*, bethought himself of sending an Embassy into *Spain*, and pitched upon the Lord *Cottington*, and the Chancellor of the Exchequer, for that Service, commanding them to prepare their own Commission and Instructions, and to begin their Journey as soon as was possible.

IN the mean time there having been no Publick Instrument set out yet by the King with reference to *England* since the Murther of his Father; and most Men being of Opinion, that it was necessary for his Majesty to publish some Declaration, that he might not seem utterly to give over his Claim there; and to keep up the Spirits of his Friends, his Majesty propos'd at the Council that there might be some Draught prepared of a Proclamation or Declaration, only with reference to the Kingdom of *England*; and the Chancellor of the Exchequer, who had been most conversant in
In-

Instruments of that Nature, was appointed to 1649.
 make one ready; though he had declared, ' that
 ' he did not know what such a Declaration could
 ' contain, and therefore that he thought it not
 ' seasonable to publish any. However, he went
 on with it, tho' he met with many Obstructions
 and Difficulties; but after all, it was laid
 aside, and all his Trouble came to nothing.

I need not insist here upon the Difficulties
 the Chancellor and his Colleague laboured un-
 der to obtain Money for their Ambassy since
 the King himself was in such Streights; how-
 ever, at last they took their leave of the King at
 the *Hague* before the middle of *May*, and had
 a Yatch from the Prince of *Orange*, that attend-
 ed them at *Rotterdam*, and transported them
 with great Convenience to *Antwerp*, where the
 Chancellor's Wife and his Family were arrived
 Ten Days before, and were settled in a good
 and convenient House; where the Lord *Cotting-*
ton and he both lodged whilst they staid in that
 City. There they met the Lord *Fermyn* in his
 Way towards the King, to hasten the King's
 Journey into *France*, upon the Queen's great
 Importunity. After Two or Three Days stay
 at *Antwerp*, they went to *Brussels* to deliver
 their Credentials both to the Arch-Duke, and
 the Duke of *Lorrain*, and to Visit the *Spanish*
 Ministers, and upon their landing at *Brussels*
 they took it for a good Omen that they were
 assured, ' that *le Brune*, who had been one of
 ' the Plenipotentiaries at the Treaty of *Munster*
 ' on the behalf of the King of *Spain*, was then
 ' in that Town with Credentials to Visit the
 ' King, and to Condole with him. They had
 Audience the next Day of the Arch-Duke;
 perform'd the Compliments to him from the
 King, and inform'd him of their Ambassy into
Spain,

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Spain, and desir'd his Recommendation, and good Offices in that Court; which he, according to his slow and formal Way of Speaking, consented to: And they had no more to do with him, but received the Visits from the Officers in his Name, according to the Stile of that Court. Their Business was with the Duke of *Lorain*, to procure Money for their Journey into *Spain*; and they used so much Address in the Affair, that he was brought to lend them Two Thousand Pistols for that Purpose.

ALL this while the Queen was so impatient to see his Majesty, that the Prince of *Orange*, and the Princess Royal, his Wife, were as impatient to give her that Satisfaction; and though her Majesty could not justly dislike any Resolution the King had taken, nor could imagine whither he should go but into *Ireland*, she was exceedingly displeased that any Resolution at all had been taken before she was consulted. She was angry that the Councillors were chosen without her Directions, and looked upon all that had been done as done in order to exclude her from meddling in the Affairs; all which she imputed principally to the Chancellor of the Exchequer: Nevertheless she was not pleas'd with the Design of the Negotiation in *Spain*. For though she had no Confidence of his Affection to her, or rather of his complying with all her Commands, yet she had all Confidence in his Duty and Integrity to the King, and therefore with'd he should be still about his Person, and trusted in his Business, which she thought him much fitter for than such a Negotiation.

THE Queen-Mother upon the Arrival of the King at *St. Germans*, finding to her great Grief and Surprize that he was quite averse to her intermeddling with any of his Affairs, (which indeed was

was occasion'd chiefly by one Mr. *Elliot*, who had 1649.
a very powerful Ascendant over his Majesty, this kind of unexpected Behaviour made her begin to think, that this Distance, which the King seem'd to affect, was more than the Chancelor of the Exchequer could wish; and that there was some Body else, who did her more disservice. Inſomuch as to the Ladies who were about her, whereof ſome were very much his Friends, ſhe ſeem'd to wiſh that the Chancellor were come. In ſhort, after the Ambaſſadors had been a Day or Two at Court, the Chancellor of the Exchequer thinking it his Duty to ſay ſomewhat to the Queen in particular, and knowing that ſhe expected he ſhould do ſo, and the King having told him at large all that had paſſed with his Mother, and the ill Humour ſhe was in, and his Majesty being very willing to underſtand what the Queen thought upon the whole, the Chancellor asked a private Audience, which her Maſteſty readily granted. And after ſhe had gently expoſtulated upon the Old Paſſages at *Ferſey*, ſhe concluded with the mention of the great Confidence the King her Husband had always reſoſed in him, and thereupon renewed her own Gracious Profeſſions of Good-will towards him. Then ſhe complained, not without Tears, of the King's Unkindneſs towards her, and of his Way of Living with her, of ſome Expreſſions he had uſed in Diſcourſe in her own preſence, and of what he had ſaid in other Places, and of the great Credit Mr. *Elliot* had with him, and of his rude Behaviour towards her Maſteſty; and laſtly, of the incredible Deſign of making *Windham* Secretary; who beſides his other unſitneſs, ſhe ſaid, would be ſure to join with the other to leſſen the King's Kindneſs to her all they could. The
Chan-

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Chancellor, after he had made all the Professions of Duty to her Majesty which became him, and said what he really believed of the King's Kindness and Respect for her, asked her whether she would give him leave to take notice of any thing she had said unto him, or in general, that he found her Majesty unsatisfied with the King's Unkindness? The Queen replied, that she was well contented he should take notice of every thing she had said; and above all, of his Purpose to make *Windham* Secretary: Of which the King had not made the least mention, though he had taken notice to him of most other Things the Queen had said to him.

THE Chancellor shortly after found an Opportunity to inform the King of all that had passed from the Queen, in such a Method as might give him occasion to enlarge upon all the Particulars. The King heard him very greedily, and protested, ' that he desired nothing more
' than to live very well with the Queen; to-
' wards whom he would never fail in his Duty,
' as far as was consistent with his Honour, and
' the Good of his Affairs; which at present, it
' might be, required more Reservation towards
' the Queen, and to have it believed that he com-
' municated less with her than he did, or than he
' intended to do: That if he did not seem to
' be desirous of her Company, it was only when
' she griev'd him by some Importunities, in
' which he could not satisfy her; and that her
' Exception against *Elliot* was very unjust; and
' that he knew well the Man to be very honest,
' and that he loved him well; and that the Pre-
' judice the King his Father had against him
' was only by the Malice of the Lord *Digby*,
' who hated him without a Cause, and had
' likewise inform'd the Queen of some Falshoods,
' which

‘ which had incensed her Majesty against him ; 1649.
‘ and seem’d throughout much concerned to ju-
‘ stifie *Elliot*, against whom the Chancellor him-
‘ self had no Exceptions, but receiv’d more Re-
‘ spects from him than he paid to most other
‘ Men.

WHEN the Chancellor spoke of making *Windham* Secretary, the King did not own the having promised to do it, but ‘ that he intended to do it : The Chancellor said, ‘ he was glad he had not promised it ; and that he hoped he would never do it : That he was an Honest Gentleman, but in no degree qualified for that Office. He put him in mind of Secretary *Nicholas*, who was then there to present his Duty to him ; ‘ that he was a Person of such known Affection and Honesty, that he could not do a more ungracious thing than to pass him by. The King said, ‘ he thought Secretary *Nicholas* to be a very Honest Man, but he had no Title to that Office more than another Man : That Mr. *Windham* had not any Experience in that Employment, but that it depended so much upon Forms, that he would quickly be instructed in it : That he was a very Honest Man, for whom he had never done any thing, and had now nothing else to give him but this Place, for which he doubted not but in a short time he would make himself very fit. All that the Chancellor could prevail with his Majesty was to suspend the doing it for some time, and that he would hear him again upon the Subject before he took a final Resolution. For the rest, he promised to speak upon some Particulars with the Queen, and to live with her with all Kindness and Freedom, that she might be in good Humour.

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IT being unnecessary to give the Particulars of the Ambassador's Journey, it's sufficient to observe, that being arrived at *Bayonne* about the end of *October*, they had not been half an Hour in their Lodging, conferring with the *English* Merchants about Conveniences to prosecute their Journey, when the *Corregidor* came to them, and desired to speak with them in private, and after some Compliment and Apology, he shew'd them a Letter, which he had received from the Secretary of State; the Contents whereof were, ' that when the Ambassadors of the Prince of *Wales* should arrive there, they should be ' receiv'd with all Respect; but that he should ' find some Means to perswade them to stay and ' remain there till he should give the King ' notice of it, and receive his farther Pleasure. And at the same time an *English* Merchant of the Town, who had told them before that he had Letters from *Madrid* for them, and had gone home to fetch them, brought them a Pacquet from Sir *Benjamin Wright*, who was intrusted by them to sollicite at *Madrid* for their Pass, and for a House to be prepared for them, wherein their Pass was inclosed, under the same Stile as Ambassadors from the Prince of *Wales*: This was an unexpected Mortification to them; but they seem'd not to be troubled at it, as if they had intended to stay there a Month, to refresh themselves after their long Journey, and in expectation of other Letters from the King their Master. The *Corregidor* offer'd to send away an Express the same Night, which they accepted of; and they writ to *Don Lewis de Haro*, ' that the King ' their Master had sent them his Ambassadors to ' his Catholick Majesty upon Affairs of the ' highest Importance: That they were come so ' far on their Way, but had, to their great ' Wonder,

Wonder, met there with a Signification of 1649.
that King's Pleasure, that they should stay and
remain there till they should receive his Ma-
jesties farther Orders; which troubled them
not so much as to find themselves stiled the
Ambassadors of the Prince of *Wales*, which
they thought very strange, after his Catholick
Majesty had sent an Ambassador to the King their
Master before they left him: They desired there-
fore to know whether their Persons were unac-
ceptable to his Catholick Majesty, and if that
were the Case they would immediately return to
their Master; otherwise, if his Majesty were con-
tent to receive them, they desired they might be
treated in that Manner as was due to the Ho-
nour and Dignity of the King their Master.

Upon which they set out for *Madrid*, into
which they were necessitated to enter *Incognito*,
and lodged at first in Sir *Benjamin Wright's*
House, who with all the Interest he had, and the
Application he could use, could not procure
them a House to reside in from the Government.
They went to their Audience on Horseback ac-
cording to Custom, where the Lord *Cottington*,
as being Master of the *Spanish* Language, was the
Spokesman; and at last they had a House provi-
ded for them in the *Calle de Alcala*, belonging to
the Marquis of *Villa Magna*, to whom the King
paid Four Hundred Pounds Sterling by the Year.

The Ambassadors after all Ceremonies were
over having a private Audience of the King,
they desired, that he would appoint Com-
missioners, with whom they might treat about
the renewing the Alliance between the Two
Crowns, which had been provided for by the
last Treaty to be renew'd within so many
Months after the Death of either King, and
with whom they might likewise confer upon
such Relief of Arms and Money as his Ca-
tholick Majesty would think proper to send
F to

1649. *to their Master going into Ireland, (whither Sir Edward Hyde desired to hasten his Journey as soon as might be; and in that Memorial, which they then delivered to his Catholick Majesty, they had desired likewise, that he would write to Owen O Neile to dispose him to submit to the King,) they received shortly after an Answer, sent to them by Don Francisco de Melo, who told them, ' that the King had sent him to them, to confer with them upon the Substance of their last Memorial. He said, the King did not think it necessary to appoint any Committee to renew the last Treaty of Peace, which was still in Force, and might well be observ'd between the Two Nations; and that the renewing might be deferr'd till the Times should mend; implying very little less than that when the King should be in England it would be a fit time to renew the Alliance. He said, ' he was ready to receive any Propositions from them, wherein they might more particularly set down their Desires, if they were ready to depart; and for writing to Owen O Neile, ' he had so misbehaved himself towards his Catholick Majesty, by leaving his Service in Flanders, and transporting himself into Ireland without his Licence, that his Majesty could not in Honour write to him; but that he would take such Care that he should know it would be agreeable to his Majesty's good liking; that he betook himself to the Service of the King of Great Britain without reserve, which he did believe would dispose him to it.*

THIS Answer was Evidence enough to them, how little they were to expect from any avow'd Friendship from that Crown: However, while they impatiently expected to hear of the King, who

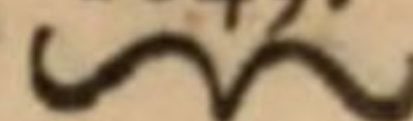
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who was yet in *Fersey*, Prince *Rupert* came upon the Coast of *Spain* with the Fleet under his Command, which he had brought from *Ireland*, and sent a Letter on Shore to be sent to Sir *Edward Hyde*, importing 'that
' he had brought away all the Fleet from
' *Ireland*; and that he had receiv'd an Assurance from *Portugal* that he should be very
' welcome thither; upon which he was resolved, after he had attended some Days to meet
' with any *English* Ships that might be Prize,
' to go for *Lisbon*; and desired him to procure
' Orders from the Court, that he might find a
' good Reception in all Ports of *Spain*, if his
' Occasions brought him thither. The Ambassadors sent immediately for an Audience to *Don Lewis*; and all that they asked was granted without Hesitation; and Letters were dispatched away that very Night by several Expresses to all the Governours of the Ports; and for the furnishing them with any Provisions they should stand in need of, with as many Friendly Clauses as could have been inserted if the King had been in Possession of his whole Empire; and the Ambassadors found they liv'd in another kind of Air than they had done, and receiv'd every Day Visits and Caresses from the Court, and from those in Authority.

But this Tranquility was soon over, by the Arrival of a Squadron of the Parliament's Fleet on the *Spanish* Coasts, which frightened the *Spanish* Court out of all the seeming Affection they had to the Royal Cause, while the King is now come to *Breda*, being invited by Commissioners from *Scotland* to go into that Kingdom. His Majesty instead of going to *Ireland*, as they expected, gave Sir *Edward*, and his Colleague, notice of his Resolution to go into *Scotland*, and directed

1649. them to remain where they were till he could
 better judge of his own Fortune. They were
 extreemly troubled, both of them having always
 had a strong Averſion that the King ſhould ever
 venture himſelf in the Hands of that Party of
 the *Scotiſh* Nation which had treated his Fa-
 ther ſo ill. And they were now neceſſitated to
 ſtay there, where they had receiv'd ſo little En-
 couragement, and had no Reason to expect
 more. They therefore reſolved to ſet the beſt Face
 they could upon it, deſired an Audience from the
 King; in which they told his Catholick Maſteſty,
 ' that they had received Letters from the King
 ' their Maſter, who commanded them to inform
 ' his Maſteſty, who, he knew well, would be
 ' glad to hear of any Good Fortune that beſel
 ' him, that it had now pleaſed God to work ſo
 ' far upon the Hearts and Affections of his Sub-
 ' jects of *Scotland*, that they had given over all
 ' thoſe Faſtions and Animofities which had
 ' heretofore divided them, and made them ra-
 ' ther Inſtruments of Miſchiefs, than Benefit to
 ' his Father, and to himſelf; that they were
 ' now ſenſible of all thoſe Miſcarriages, and
 ' had ſent unanimouſly to intreat his Maſteſty to
 ' come into that Kingdom, and to take them all
 ' into his Protection; with which his Maſteſty
 ' was ſo well ſatiſfied, that he had laid aſide
 ' the Thoughts of transporting himſelf into *Ire-*
 ' *land*, which he had intended to do, and was
 ' gone into *Scotland*; where the Kingdom was
 ' entirely at his Devotion, and from whence
 ' he could viſit *England* or *Ireland* as he found
 ' it moſt convenient: And that he had Reason
 ' to believe that his Friends in either of the
 ' Kingdoms would quickly appear in Arms,
 ' when they were ſure to be ſo Powerfully af-
 ' fiſted and ſeconded. And they ſaid, ' they
 ' would from time to time inform his Maſteſty
 ' of

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‘ of the good Success that should fall out. The King professed ‘ he was very glad of this good News, and that they should assure the King ‘ their Master that he would be always ready ‘ to make all the Demonstration of a Brotherly ‘ Affection that the ill Condition of his own ‘ Affairs would permit; and that if it pleased ‘ God to give a Peace to the Two Crowns, the ‘ World should see how forward he would be ‘ to revenge the Wrong and Indignity the King ‘ of *Great Britain* had undergone.

‘TIS certain the *Spanish* Court upon this Information had a better Opinion of the King’s Affairs than at any time before; and the Usage, Civilities and Favours the Ambassadors met with were pregnant Instances of it; but the Parliament sending Mr. *Ascham* to be their Agent in *Spain* was some new Mortification to them. However, he was no sooner landed but they expostulated with *Don Lewis de Haro* with some warmth, ‘ that his Catholick Majesty should ‘ be the First Christian Prince that would receive ‘ an Ambassador from the Odious and Execrable Murtherers of a Christian King, his Brother and Ally, which no other Prince had yet ‘ done, out of the Detestation of that horrible ‘ Parricide: and therefore they desir’d him ‘ that *Spain* would not give so Infamous an Example to the other Parts of the World. *Don Lewis* assur’d them, ‘ that there was no such ‘ thing as an Ambassador coming from *England*, ‘ nor had the King any Purpose to receive any: ‘ That it was true they were inform’d ‘ that there was an *English* Gentleman landed ‘ at *Cadiz*, and come to *Sevil*, who said, he ‘ was sent from the Parliament with Letters for the King, which was testified by a Letter from ‘ *Don Alonzo de Cardinas*, the *Spanish* Ambassador

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in *England* to the Duke of *Medina Celi*, who thereupon had given Order for his Entertainment at *Sevil* till the King should give further Order: That it was not possible for the King to refuse to receive the Letter, or to see the Man who brought it, who pretended no kind of Character: That having an Ambassador residing in *England* to preserve the Trade and Commerce between the Two Nations, they did believe that this Messenger might be sent with some Propositions from the *English* Merchants for the Advancement of that Trade, and if they should refuse to hear what he said, it might give a just Offence, and destroy all the Commerce, which would be a great Damage to both Nations.

THO' Sir *Edward Hide* and his Colleague were really disturbed at the Arrival of *Ascham*, yet his being Murdered presently after in his Chamber at *Madrid*, by half a Dozen Men, *English* and *Irish*, whereof one *Harry Progers* by Name, was their Servant, made them extreamly uneasie, and even under some Apprehensions of their own Lives. Though they abhorr'd the Action that was committed, they foresaw the presence of one of their own Servants in it, and even some passionate Words they had used, in their Expostulation with *Don Lewis*, against the Reception of such a Messenger, as if the King their Master had too many Subjects in that Place for such a Fellow to appear there with any Security, would make it be believ'd by many that the Attempt had not been made without their Consent or Privity. In this Anxiety of Mind they immediately writ a Letter to *Don Lewis de Haro*, to express the Sense they had of the Fact, of which, they hoped, he did believe, if they had had any Notice or Suspicion, they would

would have prevented it. *Don Lewis* return'd 1649.

them a very dry Answer; 'That he could not
' imagine that they could have a hand in so
' Foul an Assassination of a Person under the im-
' mediate Protection of the King: However,
' that it was an Action so unheard-of, and so
' dishonourable to the King, that his Majesty
' was resolved to have it examined to the bottom,
' and that exemplary Justice should be done up-
' on the Offenders: That his own Ambassador
' in *England* might be in great Danger upon this
' Murther; and that they would send an Ex-
' press presently thither, to satisfy the Parlia-
' ment how much his Catholick Majesty detest-
' ed, and was offended with it, and resolv'd
' to do Justice upon it; and if his Ambassador
' underwent any Inconvenience there, they were
' not to wonder if his Majesty were severe
' here; but they knew the Temper of the Court
too well to have the least Apprehension of
that: Yet they were a little surprized when
they first saw a Multitude of People gather-
ed together about their House, upon the first
News of the Action, insomuch that the Street
before their House was so throng'd that Men
could hardly pass. But they were quickly out
of that Apprehension, being assured, that the Je-
alousie that one of the *English* Ambassadors had
suffered Violence had brought that Multitude
together.

WHAT Artifice soever Sir *Edward Hyde* and
his Colleague used to Palliate the Defeat of the
Scotch Army by *Cromwell*, the *Spanish* Court was
not so easily to be put upon; and being heartily
desirous they should be gone, the Secretary of
State one Morning came to them from the King,
and told them, that they had been now above
a Year in that Court, where they had been well
treated,

1650. treated, notwithstanding some Miscarriages, which might very justly have incensed his Catholick Majesty, (mentioning the Death of *Ascham*,) that they were extraordinary Ambassadors, and so needed not any Letters of Revocation; that they had received Answers to all they had propos'd, and were at liberty to depart; which his Catholick Majesty desired they would do, since their Presence in the Court would be very prejudicial to his Affairs. This unexpected and unusual Message made them believe, ' that he had ' mistaken his Message, at least that he had ' delivered it with less Courtly Circumstances ' than he ought to have done; and therefore they return'd no other Answer, than that they would attend *Don Lewis de Haro*, and understand from him the King's Pleasure.

IT signified nothing, he was as reserved and little courtly as the other; be gone they must, tis time; the Lord *Cottington* reconciled himself to the Church of *Rome*, and staid as a private Man in *Spain*, and Sir *Edward Hyde* was dismiss'd very courteously: For when they heard that his Family remained at *Antwerp*, and that he intended to go thither, and stay there till he received other Orders from the King his Master, they gave him all Dispatches thither which might be of use to him in those Parts. The King of *Spain* himself used many gracious Expressions to him at his last Audience, and sent afterwards to him a Letter for the Arch-Duke *Leopold*, in which he expressed the good Opinion he had of the Ambassador; and commanded that whilst he should chuse to reside in those Parts under his Government, he should receive all Respect, and enjoy all Priviledges as an Ambassador: And *Don Lewis de Haro* writ likewise to the Arch-Duke, and the Count of *Fuensaldagna*, to look upon him

him as his particular Friend: All which Ceremonies, though they cost them nothing, were of real Benefit and Advantage to the Ambassador: For besides the Treatment he receiv'd from the Arch-Duke himself in *Brussels*, as Ambassador, such Directions or Recommendations were sent to the Magistrates at *Antwerp*, that he enjoyed the privilege of his Chapel, and all the *English*, who were numerous then in that City, repair'd thither with all freedom for their Devotion, and the Exercise of their Religion; which Liberty had never been before granted to any Man there, and which the *English* and *Irish* Priests, and the Roman Catholics of those Nations, exceedingly murmur'd at, and used all the Endeavours they could to have taken away, though in vain.

SIR *Edward* in his Passage through *France* waited upon the Queen Mother, who receiv'd him very graciously; and as he was always a strict Adherer to the Protestant Religion, and the Church of *England* in particular, he had both Access and an Opportunity to endeavour to be serviceable to it at this time, tho' without Success. From the time of the Queen's being in *France* the late King had appointed a Chaplain of his own, *Dr. Cosins*, to attend upon her Majesty for the constant Service of that Protestant Part of her Household, the number of which was superior to that of the Roman Catholics; and the Queen had assign'd him a competent Support with the rest of her Servants; and an under Room in the *Louvre*, out of any common Passage, had been set apart for their Morning and Evening Devotions. But now an Order was sent from the Queen Regent, 'that that Room should be no more apply'd to that Purpose; and that the *French* King would not permit the

Exer-

1650.



‘ Exercise of any other Religion in any of his
 ‘ Houses than the *Roman* Catholick : And the
 Queen gave notice to the Chaplain, ‘ that she
 ‘ was no longer able to continue the Payment of
 ‘ the Exhibition she had formerly assign’d to
 ‘ him. The Protestants lamented this Alterati-
 on to the Chancellor of the Exchequer, and de-
 fired him to intercede with the Queen, which
 he had the more Incouragement to do, because,
 at his going into *Spain*, she had vouchsafed to
 promise him (upon some Rumours, of which he
 took notice,) ‘ that the same Priviledge which
 ‘ had been should be continued, and enjoyed
 ‘ by the Protestants of her Household ; and that
 ‘ she would provide for the Chaplain’s Subsi-
 ‘ stence. He therefore besought her to consider
 ‘ what ill Impression this new Order would
 ‘ make upon the Protestants of all the King’s
 ‘ Dominions, upon whom he was chiefly to de-
 ‘ pend for his Restoration ; and how much Pre-
 ‘ judice it might be to herself to be looked up-
 ‘ on as a greater Enemy to Protestants than she
 ‘ had been taken notice of to be ; and likewise
 ‘ whether this Order, which had been given
 ‘ since the departure of the Duke of *York* for
 ‘ *Flanders*, might not be made use of as an Ex-
 ‘ cuse for his not returning, or indeed for his go-
 ‘ ing away at first, since the precise time when
 ‘ it issued would not be generally understood.
 The Queen heard him very Graciously, and ac-
 knowledged ‘ that what he said had Reason in
 ‘ it, but protested that she knew not what Re-
 ‘ medy to apply to it ; that she had been her-
 ‘ self surpriz’d with that Order, and was trou-
 ‘ bled at it ; but that the Queen Regent was
 ‘ positive in it, and blamed her for want of Zeal
 ‘ in her Religion ; and that she cared not to ad-
 ‘ vance it, or to convert any of her Children.
 She

She wish'd him ' to confer with Mr. *Moun-* 1650.
' *tague* upon it ; and imply'd, ' that his Bigo-
' try in his new Religion had contributed much
' to the procuring that Order.

Having said this and a great deal more to the Chancellor, he then conferr'd with Mr. *Moun-*
tague upon the Subject, and offer'd the same
Reasons which he had done to the Queen, which
he looked upon as of no Moment ; but said, ' that
' the King of *France* was Master in his own House,
' and he was resolv'd, though the King of *Eng-*
' *land* himself should come thither again, never
' to permit any Solemn Exercise of the Prote-
' stant Religion in any House of his.

From *Paris* Sir *Edward Hyde* went to his
Family at *Antwerp*, from whence the King, af-
ter his Defeat at *Worcester*, and Escape into
France, Commanded him to repair to him ;
which whilst he was providing to do, Mr. *Long*,
the King's Secretary, who was at *Amsterdam*,
and had been removed from his Attendance in
Scotland by the Marquess of *Argyle*, writ to the
Chancellor, ' that he had receiv'd a Letter from
' the King, by which he was requir'd to let all
' his Majesty's Servants, who were in those Parts,
' know, it was his Pleasure that none of them
' should repair to him to *Paris* until they should
' receive farther Order, since his Majesty could
' not yet resolve how long he should stay there :
The Chancellor concluded that this Inhibition
concern'd not him, since he had received a Com-
mand from the King to wait upon him. Be-
sides, he had still the Character of Ambassa-
dor upon him, which he could not lay down
till he had kissed his Majesty's Hand. So he
pursued his former Purpose, and went to *Paris*,
and found that the Command to Mr. *Long* had
been procured with an Eye principally upon
him.

1651. himself, there being some there who had no mind he should be with the King; though when there was no Remedy the Queen received him graciously. But the King was very well pleased with his being come, and for the first Four or Five Days he spent many Hours with him in private, and inform'd him of very many Particulars of the harsh Treatment he had received in *Scotland*, the Reason of his March into *England*, the Confusion at *Worcester*, and all the Circumstances of his happy Escape and Deliverance.

NOW there being no publick Place of Worship allowed at *Paris* for the Members of the Church of *England*, the French Protestant Ministers of *Charenton* pressed the King to go to their Church, and were seconded by the Lord *Fermin* therein; but Sir *Edward Hyde* dissuaded his Majesty from going thither with equal Earnestness; and told him, 'that, whatever Countenance or Favour the Crown or Church of *England* had heretofore shew'd to those Congregations, it was in a time when they carried themselves with Modesty and Duty towards both, and when they professed great Duty to the King, and much Reverence to that Church; lamenting themselves that it was not in their Power, by the opposition of the State, to make their Reformation so perfect as it was in *England*. And by this kind of Behaviour they had indeed receiv'd that Protection and Countenance from *England*, as if they were of the same Religion, though it might be the Original of that Countenance and Protection proceeded from another less warrantable Foundation, which he was sure would never find Credit from his Majesty. But whatever it was, that People now had not deserv'd it from the King; for as soon as the

Troubles

1651.

Troubles begun, the Hugonots of *France* had generally expressed great Malice to the late King, and very many of their Preachers and Ministers had publickly and industriously justified the Rebellion, and prayed for the good Success of it; and their Synod itself had in such a Manner inveighed against the Church of *England*, that they, upon the Matter, professed themselves to be of another Religion, and inveighed against Episcopacy, as if it were inconsistent with the Protestant Religion. That one of their great Professors at their University of *Saumur*, who was looked upon as a Man of the utmost moderate Spirit amongst their Ministers, had published an Apology for the general Inclination of that Party to the Proceedings of the Parliament of *England*, lest it might give some Jealousie to their own King of their Inclination to Rebellion, and of their Opinion that it was lawful for Subjects to take up Arms against their Prince; which, he said, could not be done in *France* without manifest Rebellion, and incurring the displeasure of God for the manifest Breach of his Commandments; because the King of *France* was an absolute King, independent upon any other Authority. But that the Constitution of the Kingdom of *England* was of another Nature; because the King there was subordinate to the Parliament, which had Authority to raise Arms for the Reformation of Religion, or for the executing the Publick Justice of the Kingdom against all those who violated the Laws of the Nation, so that the War might be just there, which in no Case could be warrantable in *France*. He added, that after such an Indignity offer'd to him, and to his Crown, and since they had now made such a distinction between the Episcopal and the Presbyterian Government, that they thought the

Pro-

1651. Professors were not of the same Religion, his going to *Charenton* could not be without this Effect, that it would be concluded every-where that his Majesty thought the one or the other Profession to be indifferent; which would be one of the most deadly Wounds to the Church of *England* that it had yet ever suffered.

MOVED with these Reasons, the King positively declared he would not go to *Charenton*, for which many were very angry with the Chancellor, as an Implacable Enemy of the Presbyterians. However, the King now appointed him to make all Dispatches relating to *Scotland*; but Sir *Edward* foreseeing many Inconveniences that would attend him in this New Employment, earnestly intreated the King that he would not lay that Burthen upon him, or engage him in any part of the Counsels of that People. He put his Majesty in Mind of the continued avow'd Jealousie and Displeasure which that whole Party in that Nation ever had against him; and that his Majesty very well knew, that those Noble Persons who serv'd him best when he was in *Scotland*, and in whose Affection and Fidelity he had all possible Satisfaction, had some Prejudice against him, and would be troubled when they should hear that all their Secrets were committed to him. He told him that Trust would for ever deprive him of all hope of the Queen's Favour, who could not but discern it within Three or Four Days, and by the frequent Resort of the *Scotish* Vicar to him, that there was some Secret in hand which was kept from her; and she would as easily discover that the Chancellor was privy to it, by his Reading Papers to his Majesty, and his Signing them; and would from thence conclude, that he had perswaded him to exclude her Majesty from

from that Trust, which she would never forgive. But the King insisting positively upon the Choice, Sir *Edward* submitted himself to his Disposal, and was trusted throughout that Affair; which had several Stages in the Years following, and did produce the Inconveniences he had foreseen; and render'd him so unacceptable to the Queen, that she easily entertain'd those Prejudices against him, which those she most trusted were always ready to infuse into her, and under which he was compelled to bear many Hardships.

HOWEVER for the present he appeared to have a share in the good Opinion of her Majesty; and there being a Proposal now made to have the Duke of *York* Married to *Mademoiselle de Longueville*. Whilst his Majesty was in Deliberation about it, all the Ways were taken to discover what Sir *Edward's* Judgment was; and the Lord *Fermyn* spoke to him of it, as a Matter that would not admit any Doubt on the King's Part, otherwise than from the difficulty of bringing it to pass, in regard the Lady's Friends would not easily be induced to give their Consent. But the Chancellor could not be drawn to make any other Answer than, 'that it was
' a Subject so much above his Comprehension,
' and the Consequences might be such, that he
' had not the Ambition to desire to be consulted with upon it; and that less than the
' King's or Queen's Command should not induce him to enter upon the Discourse of
' it. Being thus shy, it was not long before the Queen sent for him; and seeming to complain of the Importunity which was used towards her in that Affair, and as if it were not grateful to her, ask'd him, what his Opinion was of it? To which he answer'd, 'that he did not understand the Convenience of it so well as to
' judge

1651. *judge whether it were like to be of Benefit to the Duke of York: But he thought, that neither the King, nor her Majesty, should be willing that the Heir of their Crown should be Married before the King himself; or that it should be in any Woman's Power to say, that if there were but one Person dead she should be a Queen.*

Whatever the Chancellor's real Sentiments were at this time, or what Views he might have, I cannot determine; but this is certain, that he did not always remain in this Opinion, but afterwards Marry'd his own Daughter to the Duke before the King was provided of a Wife; but Times and the Circumstances of Things alter, and so we shall discant no further upon it, but observe that her Majesty seem'd to be moved, as if it had been a Consideration she had not thought of before; and said with some warmth, that she would never give her Consent that it should be so. However, this Argument was quickly made known to the Duke of York, and several Glosses made upon it, to the Reproach of the Chancellor: Yet it made such an Impression, that there were then as Active Endeavours to find a convenient Wife for the King himself, and Mademoiselle, the Daughter of the Duke of Orleans, by his First Wife, who in the Right of the Mother, was already possess'd of the Fair Inheritance of the Dutchy of Mompensier, was thought of. To this the Queen was much inclined, and the King himself not averse; but Sir Edward and the Marquis of Ormond represented to the King, that as it could Administer only some Competency toward his present Subsistence, so it might exceedingly prejudice his future Hopes, and alienate the Affections of his Friends in England: That the Lady was elder than

1652.

‘ than he by some Years ; which was an Excep-
‘ tion amongst Private Persons, and had been
‘ observ’d not to be prosperous to the King : That
‘ his Majesty must expect to be pressed to those
‘ Things in Point of Religion which he could
‘ never consent to ; and yet he should undergo
‘ the same Disadvantages as if he had consented,
‘ by many Mens believing he had done so. They
besought him ‘ to set his Heart entirely upon
‘ the Recovery of *England*, and to indulge to
‘ nothing that might reasonably obstruct that,
‘ either by making him less intent upon it, or
‘ by creating new Difficulties in the pursuing
‘ it : The King discovered enough to let them see
that he stood well enough inclined to the Over-
ture itself ; which gave them Trouble, as a thing
that in many Respects was like to prove very in-
convenient.

IN the Distress which the King suffer’d during
his Abode in *France* , Sir *Edward Hyde*’s Part
was the most uneasy and grievous. And the
Queen’s Displeasure grew so notorious against
him, that after he found by Degrees that she
would not speak to him, nor take any notice of
him when she saw him, he forbore at last coming
into her Presence, and for many Months did not
see her Face, though he had the Honour to
lodge in the same House, the *Palace Royal*,
where both their Majesties kept their Courts ;
which encouraged all who desired to ingratiate
themselves with the Queen to express a great
Prejudice to him ; and the Queen was not reserv-
ed in declaring, that she did exceedingly desire
to remove him from the King.

THIS Disinclination towards him (as he
himself has told us) produced, at one and the
same time, a Contrivance of an odd Nature, and
an Union between Two seemingly Irreconcilable
Parties,

1652. Parties, the Papists and Presbyterians, which was discovered to the King before the Chancellor had any intimation of it. For the Lord *Balcarris*, with Dr. *Frazier*, and some other Scots about the Court, caused a Petition to be prepared, in which they set out, ' that the Presbyterian Party had great Affections to serve his Majesty, and much Power to do it; and that they had many Propositions and Advices to offer to his Majesty for the Advancement thereof; but that they were discouraged and hindered from offering the same, by Reason that his Majesty entrusted his whole Affairs with the Chancellor of the Exchequer, who was an old known and declared Enemy to all their Party, in whom they could repose no Trust: And therefore they besought his Majesty that he might be removed from his Council, at least not be suffered to be privy to any thing that should be proposed by them; and they should then make it appear how ready and how able they were in a very short time to advance his Majesties Affairs. The other Petition, prepared in the Name of his Roman Catholick Subjects, imported, ' that all his Majesties Party which had adher'd to him were now totally suppressed, and had, for the most part, compounded with his Enemies, and submitted to their Government: That the Church Lands were all Sold, and the Bishops Dead, except very few, who durst not Exercise their Function; so that he could expect no more Aid from any who were concern'd to support the Government of the Church as it had been formerly established: That by the Defeat of Duke *Hamilton's* Party first, and then by his Majesty's ill Success at *Worcester*, and the total Reduction of the Kingdom of *Scotland* afterwards

1653.

wards by *Cromwell*, his Majesty might conclude what greater Aid he was to expect from the Presbyterian Party. Nothing therefore remained to him of Hope for his Restoration, but from the Affection of his Roman Catholick Subjects, who, as they would never be wanting as to their Persons, and their Estates which were left, so they had hope to draw from the Catholick Princes, and the Pope himself, such considerable Assistance, both in Men and Money, that his Majesty should owe his Restoration, under the Blessing of God, to the Sole Power and Assistance of the Catholicks. But they had great Reason to fear that all these Hopes would be obstructed, and render'd of no use, not only by there being no Person about his Majesty in whom the Catholicks could have any Confidence, but by Reason that the Person most trusted by him, and through whose Hands all Letters and Dispatches must pass, was a known Enemy to all Catholicks; and therefore they besought his Majesty, that that Person, the Chancellor of the Exchequer, might be removed from him, whereupon he should find great Benefit to accrue to his Service.

IT was concluded amongst them, that when these Two Petitions should be weigh'd and considered, the Queen would easily convince his Majesty, that a Person who was so Odious to all the Roman Catholicks, from whose Affections his Majesty had most Reason to promise himself Relief, and to all the Protestants who could contribute to his Assistance or Subsistence, could not be fit to be continued in any Trust about him. But one Mr. *Walsingham*, a Person very well known to all Men who at that time knew the Palace Royal, and had been employed in the Affair, came to the King, informed him of the whole

1653. whole Intrigue, and gave him a Copy of the Petitions, who shewed them to the Marquiss of *Ormond*, and the Chancellor of the Exchequer, and informed them of the whole Design. And from thenceforward his Majesty made himself very merry with it, and spoke of it sometimes at Dinner, when the Queen was present; and asked pleasantly, 'when the Two Petitions would be brought against the Chancellor of the Exchequer?'

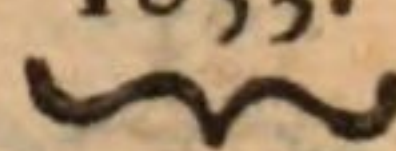
THO' this quashed both the Petitions, yet both Parties continued their implacable Malice towards him; nor did he find any Ease or Quiet by their giving over that Design, their Animosities against him still breaking out one after another, as long as the King remain'd in *France*: The Queen took all Occasions to complain to the Queen Regent of the King's Unkindness, that she might impute all that she disliked to the Chancellor; and the Queen Regent of *France* having intercepted a Letter of his to the Cardinal *de Retz*, which he had not thought fit to Communicate first to her, she presently did it to his Mother, and a little after, there being a Masque at the Court that the King liked very well, he perswaded the Chancellor to see it, and vouchsafed, the next Night, to carry him thither himself, and to place the Marquiss of *Ormond* and him next the Seat where all their Majesties were to sit. And when they entered, the Queen Regent ask'd, who that Fat Man was that sat by the Marquiss of *Ormond*? The King told her aloud, that was the naughty Man who did all the Mischief, and set him against his Mother: At which the Queen herself was little less disordered than the Chancellor. But they within hearing laughed so much that the Queen was not displeased; and somewhat was spoken to his Advantage. THO'

THO' the Chancellor of the Exchequer was not (perhaps in Compliance with the Queen) against making Sir *Edward Herbert* Lord Keeper at this time, yet his Troubles did not cease; for Mr. *Robert Long*, who, when the King was in *Scotland*, had been Secretary, an Office now perform'd by Sir *Edward Hyde*, petitioning to be restored to the Place, and being refused, he thereupon accused Sir *Edward* of having Betray'd the King; and undertook to prove that he had been over in *England*, and had private Conference with *Cromwell*: Which was an Aspersion so impossible that every Body laugh'd at it: Yet because he undertook to prove it, the Chancellor pressed that a Day might be appointed for him to produce his Proof; and at that Day the Queen came again to the Council, that she might be present at the Charge. There Mr. *Long* produced one *Massonet*, a Man who had serv'd him, and afterwards been an Under-Clerk for writing Letters, and had been taken Prisoner at *Worcester*, and being released with the rest of the King's Servants, had been employed, from the time of the King's Return, in the same Service under the Chancellor of the Exchequer, who said, ' that after
' his Release from his Imprisonment, and whilst
' he staid in *London*, he spoke with a Maid, who
' had formerly served him, that knew the Chancellor very well, and who assured him, that
' one Evening she had seen the Chancellor go
' into *Cromwell's* Chamber at *White-Hall*; and
' after he had been shut up with him some Hours
' she saw him Conducted out again. And Mr. *Long* desired time that he might send over for this Woman, who should appear and justify it. To this impossible Discourse the Chancellor said, ' he would make no other Defence, than
' that there were Persons then in the Town,
' who, he was confident, would avow that they

1653. *had seen him every Day, from the time he returned from Spain, to the Day on which he attended his Majesty at Paris; and when he had said so, he offered to go out of the Room; which the King would not have him to do. But he told his Majesty, that it was the Course; and that he ought not to be present at the Debate that was to concern himself; and the Lord Keeper (who was his Enemy) with some warmth said, it was true; and so he retired to his own Chamber. The Lord Fermyn, as soon as he was gone, said, he never thought the Accusation had any thing of Probability in it; and that he believed the Chancellor a very Honest Man; but that the Use that he thought ought to be made of this Calumny was, that it appeared that an Honest and Innocent Man might be calumniated, as he thought Mr. Long had likewise been; and therefore they ought both to be cleared. The Keeper said, he saw not Ground enough to condemn the Chancellor; but he saw no Cause neither to declare him Innocent: That there was one Witness which declared only what he had heard; but that he undertook also to produce the Witness herself if he might have time, which in Justice could not be denied; and therefore he proposed that a competent Time might be given to Mr. Long to make out his Proof; and that in the mean time the Chancellor might not repair to the Council: With much warmth the King said, he discerned well the Design; and that it was so false and wicked a Charge, that, if he had no other Exception against Mr. Long than this Foul and Foolish Accusation, it was cause enough never to trust him: And therefore he presently sent for the Chancellor, and as soon as he came in,*

in, commanded him to sit in his Place ; and told him, ‘ he was sorry he was not in a Condition ‘ to do him more Justice than to declare him ‘ Innocent.

THE Keeper hereupon could not contain himself from appearing very much troubled ; and said, if what he heard from a Person of Honour, who, he thought, would justify it, were true, the Chancellor had aspersed the King in such a manner, and so much reviled his Majesty in Point of his Honour, that he was not fit to sit there. The Chancellor was wonderfully surprized with the Charge, and humbly besought his Majesty that the Lord Keeper might produce his Author, or be looked upon as the Contriver of the Scandal. The Keeper answered, that if his Majesty would appoint an Hour the next Day for the Council to meet, he would produce the Person, who, he was Confident, would justify all he had said. The next Day the King sat in Council, and the Keeper desiring that the Lord *Gerrard* might be called in, he presently appear’d, and being asked whether he had at any time heard the Chancellor of the Exchequer speak ill of the King ? He answered, yes ; and thereupon made a Relation of a Conference that had passed between the Chancellor and him a Year before, when the King lay at *Chantilly*, to this Effect : That one Day, after Dinner, the ‘ King took the Air, and being in the Field, his ‘ Majesty alighted out of his Coach, and took ‘ his Horse, with other of the Lords, to ride into ‘ the next Field to see a Dog set a Partridge ; and ‘ that he, the Lord *Gerrard*, and the Chancellor, ‘ remain’d in the Coach, when he entred into Discourse of the King’s Condition, and said, that ‘ he thought his Majesty was not Active enough, ‘ nor did think of his Business ; and that the

1653.  Chancellor, who was known to have Credit with him, ought to advise him to be Active, for his Honour and his Interest, otherwise his Friends would fall from him. But that it was generally believed that he the Chancellor had no Mind that his Majesty should put himself into Action, but was rather for sitting still; and therefore it concerned him, for his own Justification, to persuade the King to be Active, and to leave France, where he could not but observe that every Body was weary of him. To all which the Chancellor took great Pains to purge himself from being in the Fault; and said, 'that no Body could think that he could take delight to stay in a Place where he was so ill used; but laid all the Fault upon the King, who, he said, was indisposed to Business, and took too much Delight in Pleasures, and did not love to take Pains; for which he was heartily sorry, but could not help it; which *Gerrard* said, 'he thought was a great Reproach and Scandal upon the King from a Man so obliged and trusted, who ought not to asperse his Master in that Manner.

THE Chancellor was a little out of Countenance, and said, 'he did not expect that Accusation from any Body, much less that the Lord *Gerrard* should discover any private Discourse that had passed a Year before between them Two, and which appear'd by his Relation to have been introduced by himself, and by his own Freedom: That whosoever believed that he had a Mind to traduce the King, would never believe that he would have chosen the Lord *Gerrard*, who was known to be none of his Friend, to have Communicated it to. He said, 'he did very well remember, that the Lord *Gerrard* did, at that time when they Two remained alone in the Coach, very passionately

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1653.

ly Censure the King's not being Active, and blamed him the Chancellor for not perswading his Majesty to put himself into Action; and that he was generally believed to be in the Fault: Upon which he had ask'd him, 'what he did intend by being Active? And what that Action was? And where? To which he wish'd the King should be perswaded? He answered, with an Increase of Passion, and Addition of Oaths, that rather than sit still in *France* his Majesty ought to go to every Court in *Christendom*; that instead of sending an Ambassador who was not fit for any Business, he should have gone himself to the Diet at *Ratisbon*, and solicited his own Business: Which would have been more effectual; and that if he could not find any other Way to put himself into Action, he ought to go into the High-Lands of *Scotland* to *Middleton*, and there try his Fortune. To all which the Chancellor said, 'he did remember that he replied, he believed the King was indisposed to any of that Action he proposed: And tho' he did not believe that he had used those Expressions, of the King's delighting in Pleasures, and not loving Business so well as he ought to do, if the Lord *Gerrard* would positively affirm he had, he would rather confess it, and submit himself to his Majesty's Judgment, if he thought such Words proceeded from any Malice in his Heart towards him, than, by denying it, continue the Debate: And then he offer'd to retire, which the King forbid him to do: Upon which the Keeper was very Angry, and said, the Words amounted to an Offence of a high Nature; and that he was sorry his Majesty was no more sensible of them: That for any Man, especially a Counsellor, and a Man of so near Trust, to accuse

1653. cuse his Master of not loving his Business, and being inclined to Pleasures, was to do all he cou'd to perswade all Men to forsake him; and proceeding with his usual warmth and positiveness the King interrupted him, and said, he ' did really believe that he was himself in ' fault, and did not enough delight in his Business, which was not very pleasant; but he ' did not know that such putting himself into ' Action, which was the common Word, as the ' Lord *Gerrard* advised, was like to be attended ' with those Benefits which he was confident ' he wished. In fine, he declared he was very well satisfied in the Chancellor's Affection, and took nothing ill that he had said, and directed the Clerk of the Council to enter such his Majesty's Declaration in his Book; and from that time there were no farther publick Attempts against the Chancellor during the time of his Majesty's Abode in *France*.

1654.

THE King some time after this being grown perfectly weary of *France*, before he retired from thence into *Germany* he desired that the Chancellor of the Exchequer might part in the Queen's good Grace, and being introduced into her Presence by the Lord *Piercy*, he told her Majesty, *that now she had vouchsafed to admit him into her Presence, he hoped she would let him know the Ground of the Displeasure she had conceiv'd against him; that so having vindicated himself from any Fault towards her Majesty, he might leave her with a Confidence in his Duty, and receive her Commands with an Assurance that they should be punctually obeyed by him.* The Queen with a loud Voice, and more Emotion than she was accusom'd to, told him, *that she had been contented to see him, and to give him*

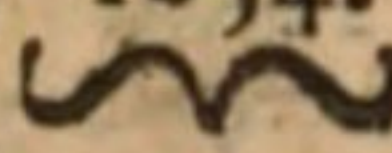
him leave to kiss her Hand, to comply with the King's Desires, who had importuned her to it; otherwise that he liv'd in that manner towards her, that he had no reason to expect to be Welcome to her: That she need not assign any particular Miscarriage of his, since his Disrespect towards her was notorious to all Men; and that all Men took notice that he never came where she was, though he lodged under her Roof, (for the House was hers,) and that she thought she had not seen him in Six Months before; which she look'd upon as so high an Affront, that only her Respect towards the King prevailed with her to endure it.

WHEN her Majesty made a Pause, the Chancellor, with admirable Presence of Mind, and happy Turn of Thought, so peculiar to himself, answered, ' that her Majesty had only
' mention'd his Punishment, and nothing of his
' Fault: That how great soever his Infirmities
' were in defect of Understanding, or in good
' Manners, he had yet never been in *Bedlam*;
' which he had deserv'd to be, if he had affect-
' ed to publish to the World that he was in the
' Queen's Disfavour, by avoiding to be seen by
' her: That he had no kind of Apprehension
' that they who thought worst of him, would
' ever believe him to be such a Fool, as to pro-
' voke the Wife of his dead Master, the great-
' ness of whose Affections to her was well known
' to him, and the Mother of the King, who sub-
' sisted by her Favour, and all this in *France*,
' where himself was a Banish'd Person, and she
' at Home, where she might oblige or disoblige
' him at her Pleasure. So that he was well as-
' sured that no Body would think him guilty
' of so much Folly and Madness, as not to use
' all the Endeavours he possibly could to obtain
' her

1654.



her Grace and Protection: That it was very true he had been long without the Presumption of being in her Majesties Presence, after he had undergone many sharp Instances of her Displeasure, and after he had observ'd some Alteration and Aversion in her Majesties Looks and Countenance, upon his coming into the Room where she was, and during the time she staid there; which others likewise observed so much, that they withdrew from holding any Conversation with him in those Places, out of Fear to offend her Majesty: That he had often desired by several Persons to know the Cause of her Majesty's Displeasure, and that he might be admitted to clear himself from any unworthy Suggestions which had been made of him to her Majesty, but could never obtain that Honour; and therefore he had conceiv'd, that he was oblig'd in good Manners to remove so unacceptable an Object from the Eyes of her Majesty, by not coming into her Presence; which all who knew him could not but know to be the greatest Mortification that could be inflicted upon him; and therefore he most humbly besought her Majesty at this Audience, which might be the last he should receive of her, she would dismiss him with the Knowledge of what had been taken amiss, that he might be able to make his Innocence and Integrity appear; which he knew had been blasted by the Malice of some Persons, and thereby misunderstood and misinterpreted by her Majesty. But all this prevailed not with her Majesty; who objected his Credit with the King, and his Endeavours to lessen that Credit which she ought to have; and concluded, that she should be glad to see Reason to change her Opinion; and so
care-

carelessly extended her Hand towards him; which he kissing, she departed to her Chamber. 1654. 

WHILE the King was at *Aix La Chappelle*, before he went to reside at *Cologne*, and had News from *Scotland* that *Middleton* had some Success in the Highlands; and that the *Scottish* Lords who were Prisoners in *England* assured him, ' that there was now so entire a Union in ' that Nation for his Service, that they wish'd ' his Majesty himself would venture thither: The Lord *Balcarris*, who was with the King, used much Importunity with him to that Purpose; to which the King shewing no great Inclination, the Chancellor of the Exchequer one Day represented to the King the Sadness of his Condition, and the general Discourses of Men, and ' that it was his Majesties Misfortune to be ' thought by many not to be active enough to- ' wards his own Redemption, and to love his ' Ease too much, in respect both of his Age and ' his Fortune; then desired him ' to consider ' upon this News and Importunity from *Scotland*, whether in those Highlands there might ' not be such a safe Retreat and Residence, that ' he might reasonably say, that with the Affections of that People, which had been always ' firm, both to his Father and Himself, he might ' preserve himself in Safety, though he could ' not hope to make any Advance, or recover ' the lower Part of that Kingdom, possessed by ' the Enemy; and if so, whether he might not ' expect the good Hand of Providence for some ' Revolution more honourably there, than in ' such Corners of other Princes Dominions, as ' he might be forced to put himself into. His Majesty discoursed very calmly of that Country, Part whereof he had seen; of the miserable Po-

1654. Poverty of the People, and their Course of Life; and how 'impossible it was for him to live 'there with Security, or with Health; that if 'Sickness did not destroy him, which he had 'reason to expect from the ill Accommodation 'he must be there contented with, he should in 'a short time be betray'd and given up. Nay, the King gave him such an Answer of the Necessities and Dangers he should be exposed to there, that stopp'd the Chancellor from ever saying any more to that Purpose.

1657. WHILE the King lived poorly in *Germany*, and in the *Netherlands*, and that *Cromwel* with a Stupendious Fortune and Conduct had establish'd himself in *England*, and by the Prosperity of his Arms was grown terrible to all his Neighbours, it's no Wonder his Majesties Followers grew uneasie; and there is a Story (the Truth of which however I will not vouch) of this Great Man, whose Life is the present Subject, that must not be omitted in this Place; that being weary with Poverty and an Exiled State, utterly despairing of his Royal Master's Restoration, and longing for his Native Country, he should at this time write secretly to *Thurlo*, *Oliver's* Secretary, and his Old Acquaintance, to importune him to make his Peace with his Master: Which the other effecting, and it being the more readily agreed to by the Protector, who well knew that the Desertion of the Royal Cause by so Wise a Man would be of vast Use to him, and a pregnant Example for others to follow, some Accidents interven'd that the Design of his Return could not be put in Execution till the Death of the Protector, which hapned not long after the Agreement; that the Protector's Exit being like to produce some favourable Conjunctions to the King, he altered his
Refo-

Resolution, and firmly adhered to his Majesty till his Restoration; that it was *Thurlo's* Turn now, who had been so obnoxious to Monarchy, to abscond, but having with an admirable Foresight kept the Chancellor's Letter carefully in his own Hands, he boldly adventured one Day to go to his Lordship's House, and having obtained Admittance, told him he had a Present to make him, and thereupon delivered the Letter into his Hand. The Chancellor upon Perusal gave him many Thanks, bid him go and live quietly in his Chambers, and he should be no ways molested.

ADMITTING the whole Relation to be true, as there were few or none who stuck so long to the Royal Cause as *Sir Edward*, that had any Prospect of Pardon, so as things now stood with the King Abroad, and his Enemy at Home, he could not much be blamed for it, if we consider every Man is apt to provide for his own Security, and the Welfare of his Family.

BUT to pursue all that we find in Relation to this Great Man till the King's Restoration, I find his Majesty was pleased to make him Lord Chancellor of *England* in the *Christmas-Holydays* preceding *Oliver's* Death: *Sir Edward Herbert*, who was the last Lord Keeper of the Great Seal, being lately dead at *Paris*: He receiv'd the Seal very unwillingly: But the King first employed the Marquis of *Ormond*, with whom his Majesty knew he had an entire Friendship, to dispose him to receive it; which when he could not do, he giving him many Reasons why there was no need of such an Officer, or indeed any use of the Great Seal till the King should come into *England*; and that his Majesty found some Ease in being without such an Officer,

1657. cer, that he was not troubled with those Suits which he would be, if the Seal were in the Hands of a proper Officer to be used, since every Body would be then importuning the King for the Grant of Offices, Honours and Land, which would give him great Vexation to refuse, and do him great Mischief by granting. The Marquiss told the King of it, who went himself to the Chancellor's Lodgings, and took notice of what the Marquiss had told him; and said, ' he would deal truly ' and freely with him; that the principal ' Reason which he had alledged against receiving the Seal, was the greatest Reason ' that disposed him to confer it upon him; ' and then he pulled Letters out of his Pocket, ' which he receiv'd lately from *Paris*, for ' the Grant of several Reversions in *England* ' of Offices, and of Lands; he mentioned to him also many other Importunities, with which he was every Day disquieted; and ' that he saw ' no other Remedy to give himself Ease, than ' to put the Seal out of his own Keeping, into ' such Hands as would not be importuned, and ' would help him to deny. And thereupon he conjured Sir *Edward* to receive that Trust, with many Promises of his Favour and Protection. Whereupon the Earl of *Bristol*, and Secretary *Nicholas*, using likewise their Perswasions, he submitted to the King's Pleasure.

THE Chief Administration of Affairs was now in a very great Degree in the Hands of the Lord Chancellor, of whose Capacity as well as Integrity his Majesty had had so long and convincing Experience, that he was the more ready to leave all to him: *Oliver's* Death, and the various Revolutions that hapned upon it in *England*, revived the Hopes and Activity of the Chan-

Chancellor to promote the Restoration of his Royal Master to his lost Dominions; and most, if not all, the Papers, Declarations, and the like, which were put out to this End, were of his Drawing. It would be needless to hint the Particulars his Prudence suggested seasonable Thoughts of Moderation and Mildness to him in the several Particulars contained in them. At length the happy and long'd-for Day came when His Majesty was restored, and on the 29th of *May* made his Publick Entry through the City of *London*, which put an end for the present to the Lord Chancellor's Exile, and afforded him kind and promising Views of a large and prosperous Fortune. But there is no real Happiness on this side the Grave.

FOR my part I think 'tis pity there were not some Previous Terms and Regulations made with the King before he came in; it must be said to the Honour of the Chancellor, that out of Regard to the Good of his Country he had corresponded among others with Sir *Anthony Ashley Cooper*, afterwards Earl of *Shaftsbury*, and was inclined to come to an Agreement about this Grand Affair upon the Foundation of the Treaty of the *Isle of Wight*; but *Monk* having the main of the Power, I mean the Sword in his Hand, would have the Reputation at last of effecting it upon his own Terms, tho' it's likely when he first set out of *Scotland* he had no manner of Inclination that Way.

ON the 4th of *June* the Lords and Commons having taken the Oaths of Allegiance and Supremacy, and at the same time order'd the Lord Chancellor to take effectual Care to have it administred to the Officers and Soldiers, the Lord Chancellor to that End was desired to issue out Commissions under the Great Seal of *England* to such Persons as the Lord General

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1660.



should Nominate and Appoint for Ordaining the said Oaths to the Officers and Soldiers accordingly ; all which was executed with all imaginable Care by the Chancellor and General.

THE Lord Chancellor, who was a very forward Instrument with the King at *Breda*, to make the largest Concessions of Favour and Indempnity, that well could be, to his Subjects, upon the Prospect he had of his Restoration, thought it now his Honour as well as his Duty to endeavour the punctual Performance of every Particular: And therefore finding there were some Persons, who most maliciously endeavoured to insinuate that His Majesty intended nothing less than the Performance of his Promises, the Chancellor advised him to send a Message to the Commons, to quicken their Debates about the Act of General Pardon and Indempnity, as that which would best quiet the Minds of the Subjects; and the Lord Chancellor being the Person that drew up that Message, it's proper to insert the Substance of it.

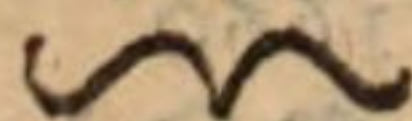
HE inform'd them, that he had so ample a Manifestation of their Affections and Duty towards him, (and the good Effects of which was notorious to all the World,) to make the least Doubt of the Continuance and Improvement thereof, or in the least Degree to dislike what they had done, or to complain of what they had left undone: That he was very sensible of the Weight and Importance of those Affairs, which depended upon their Counsels, and the Time that must unavoidably be spent, where there must be naturally Difference of Opinions and Judgments amongst those who had equal Desires of the publick Peace and Safety, and that neither he nor they must be over-

overmuch troubled if they found their good Intentions and unwearied Application made to reduce those good Intentions into real Acts, for the Quiet and Security of the Nation, misrepresented and misinterpreted by those who were in Truth afflicted to see the Publick Distractions, by God's Blessing, so near an end, and by others, upon whose Weakness, Fears and Jealousies, the Activity and Cunning of those ill Men had had too great an Influence.

THAT how Wonderful and Miraculous soever the great Harmony of Affections between him and his Subjects were, (it being so visible to the World, that there scarce appear'd the View of any Cloud to overshadow or disturb it,) yet it was not to be thought that God Almighty had wrought the Miracle to that degree, that a Nation so divided for so many Years would be so soon and intirely united in their Affections and Endeavours, as were to be wished for, but that the evil Consciences of many continued so awake for Mischief, that they would not be willing to take rest themselves, or suffer others to take it: And that they had all too sad an Experience of the unhappy Effects of Fears and Jealousies, (how groundless and unreasonable soever,) not to think it highly necessary to apply all Timely and Proper Remedies to those Diseases, and to prevent the Mischiefs and Inconveniencies that so naturally flew from thence.

THAT he very well saw that the great Violation, which the Laws of the Land had for so many Years sustained, had filled the Hearts of the People with a terrible Apprehension of Insecurity to themselves, if all they had said and done should be liable to be examined and punished

1660.



nished by those Laws which had been so violated, and that nothing could establish the Security of King and People, but a full Provision, that the Returning to the Reverence and Obedience of the Laws (which were for the Benefit of all) should not turn to the Ruin of any who were willing and fit to receive hereafter that Protection from the Law, and to pay that Subjection to it that was just and necessary.

WHEREFORE he made a free Offer of a General Pardon in such a manner as was express'd in his Declaration; and how ready and desirous he was to make good the Same, appear'd by his Proclamation; issued out upon or according to their Desire: That however it was evident, that all he had offered, or did offer, did not enough compose the Minds of his People, nor in their Opinions could their Security be provided for, till the Act of Indemnity and Oblivion were past.

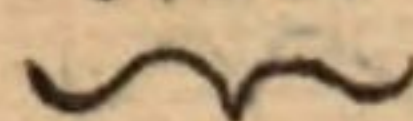
THAT he found great Industry used by those who did not wish that Peace to the Kingdom they ought to do, to perswade his good Subjects that he had no Mind to make good his Promises, which he desired to perform for his own Sake as well as theirs; and that therefore he did very earnestly recommend to them that they would use all Expedition in passing that most necessary Act, by which his good Subjects generally would be satisfied that their Security was in their own Hands, and depended upon their future Actions, and that they were free from all that was past; and so all the Endeavours of ill Men would be disappointed, who would perswade them not to do well now, because they had done amiss heretofore.

THAT

THAT His Majesty was more engaged to this his Recommendation, because that upon the Reflection of their Eminent Zeal and Affection for his Service, and Hearty Concurrence with him in all Things desired of them, Men were apt to perswade others, (tho' they did not believe it themselves,) that the passing of this Act was therefore not desired, because he did not sufficiently press the Dispatch of it, which he did desire from his Heart, and was confident they would the sooner do upon his earnest Recommendation.

THE Commons being quickned with this Message, dispatched the Bill in a little Time, and sending it to the Lords for their Concurrence, they had long Debates about it, which put the Lord Chancellor, who was Prime Minister, and others of the Council, upon finding Means to expedite it in that House; and thinking of nothing more proper than that the King himself should go into that House, and make a Speech to them about it, the same was drawn up by the Chancellor, approved of by the Council, and delivered on the 27th of July by His Majesty to this Effect.

THAT when he came first thither to them, which was within Two or Three Days after his Arrival at *Whitehall*, he had with as much Earnestness as became both himself and the Lord Chancellor, recommended to them and the House of Commons the speedy Dispatch of the Act of Indemnity, as a necessary Foundation of that Security they all pray'd for; that he had since by a particular Message to the House of Commons again press'd them to hasten that Important Work, and had in like manner signified by a Proclamation, publish'd throughout the Kingdom, that he did with Impati-

1660.  ence expect that that Act would have been presented to him for his Assent, as the most reasonable and solid Foundation of that Peace, Happiness and Security, he hoped and prayed for to himself and all his Dominions.

THAT he must own to them that he thought the House of Commons too tedious about that Work, and therefore now that it was come before them he would not have them guilty of the same Delay; then he thanked God he had the same Intentions and Resolutions now he was in *England* with them, as he had at *Breda*, and did believe that he owed his being there to God's Blessings upon the Intentions and Resolutions he then express'd to have.

THEN having read to them Two Paragraphs out of his Declaration from *Breda*, which imply'd the general Indemnity, he proceeded, and told them, That if they would not concur with him in extinguishing that Fear, which kept the Hearts of Men awake, and apprehensive of their Safety and Security, they would keep him from performing his Promise; which if he had not made, he was perswaded that neither he nor they would have been there that Day: He pray'd them that they should not deceive those that brought or allowed them to come together: That he very well knew there were some Men who would neither forgive themselves, nor be forgiven by them; and he thanked them for their Justice towards those that were the immediate Murderers of his Father, and he would deal truly with them, that he never thought of excepting any other.

HE pray'd them to think well of what he had offered, and the Benefit they and himself had received from that Offer, and to encourage
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and oblige all other Persons, by not excluding them from the Benefit of that Act. 1660.

THAT Mercy and Indulgence was the best Way to bring them to a true Repentance, and to make them more severe to themselves, when they found they were not so to them; that it would make them good Subjects to him, and good Friends and Neighbours to them; and they had then all their Ends, and they should find that to be the nearest Expedient to prevent future Mischief; therefore he earnestly desired and conjured them to lay aside all particular Animosities, and Revenge or Remembrance of past Provocations; and that they would pass that Act without any other Exceptions, than those who were more immediately guilty of the Murder of his Father.

HE then said, he had told them his Opinion, and hoped they would be of the same; that if any Persons appear'd of such Dangerous and Obstinate Principles, that the Peace of the Kingdom could not be preserved while they had Liberty in it, some other Course might be taken that they should not be able to do any Hurt; and he assur'd them there was nothing could enable them to do so much Harm as the deferring the passing of that Act.

HE concluded with hoping he had no need to say any Thing of *Ireland*, and that they alone should not be without the Benefit of his Mercy; that they had shew'd much Affection to him abroad, and that they would have a Care of his Honour, and what he had promis'd to them; and then conjure them once more to use all Expedition in the Dispatch of that Bill.

THE Lords having passed the Bill, with several Alterations, agreeable to the King's Inclinations,

1660.  tions, towards the pardoning of all but such as were his Father's Judges, or otherwise Actors in his Murder. The Commons and they could not for some Time agree about it, the latter insisting that more should be excepted, and the like, which in the last Conference between the Lords and them, gave the Lord Chancellor Occasion to speak of the King's Affections to his People by a very remarkable Instance, saying, That being employ'd by His Majesty in an Ambassie to *Spain*, he had it strictly given him in Charge by the King himself to avow and declare, that the Horrid Murder of his Royal Father was not the Act of the Parliament, or People of *England*, but of a very Wretched and Little Company of Miscreants in the Kingdom.

THE Lord Chancellor having been so exceeding serviceable upon this Grand Occasion, that tended so much to the Peace and Tranquility of the Kingdom, and the Lords and Commons at last agreeing about this Bill, there was one Task more lay upon his Lordship before the Matter could be brought to its Final Period, and that was his Help to draw up what the King was to say on the 29th of *August*, in the passing of this and other Bills, which was in Substance thus.

THAT he had been sometimes before with the Lords and Commons in Parliament Assembled, but never with more Willingness than at that Time; and there were but few Men in the Kingdom who had longed more impatiently to have those Bills pass, than he had done to pass them; and that he hoped they would be the Foundation of much Security and Happiness to them all: That he did very willingly pardon all that was pardoned by that Act of Indempnity, to that Time which was

was mentioned in the Bill. Nay, he would tell them, that from thence, to that very Day, he would not use great Severity, unless it were in such Cases where the Malice was Notorious, and the Publick Tranquility very much concerned; but that for the future the same Conscience and Discretion which disposed him to the Clemency he had express'd, which was most agreeable to his Nature, would oblige him to all Rigour and Severity, how contrary soever it was to his Nature, towards those who shou'd not now acquiesce, but continue to manifest their Seditious Inclinations and Disaffection to the Government, either in Words or Deeds.

THAT he must conjure them all, both Lords and Commons, to concur with him in that just and necessary Severity; and that they would in their several Stations be so jealous of the Publick Peace, and of his particular Honour, that they would cause exemplary Justice to be done upon those who were guilty of Seditious Speeches or Writings, as well as upon those who broke out into Seditious Actions; and that they would believe that those who delighted in Reproaching and Traducing his Person, not to be well Affected to him and the Publick Peace.

THAT never any King valued himself more upon the Affections of his People than he did; neither did he know a better Way to make himself sure of their Affections, than by being just and kind to them all; and while he was so, he desired them to let the World see that he was possessed of their Affections. That as for the Poll Bill, he thanked them as much as if the Money came into his own Coffers, and wish'd with all his Heart it might amount to so great

1660. a Sum as they reckoned it would be, that if the Work were well and orderly done, to which it was designed, he was sure he should be the Richer by it in the End ; and that upon his Word, if he had wherewithal, he would himself help them ; so much he desired the Business should be done.

HE desired very earnestly that as fast as Money came in the great Burthen of the Navy might be discharged, and the Army disbanded as fast as they could ; and that till they could disband the rest Provision might be made for their Support. He conjured them, as they loved him, that he might not hear the Noise of Free Quarter, which would be imputed to his want of Care and Government, how Innocent soever he was, and therefore he bid them be sure to prevent it.

THAT he was so confident of their Affection, that he could not move them in any thing that immediately related to himself ; and yet he was obliged to tell them he was no Richer, that is, he had not so much Money in his Pocket as when he came to them : That in reality he had lived chiefly ever since upon what he had brought along with him, which was indeed their Money, for they had sent it him, and he thanked them for it : That the Weekly Expence of the Navy eat up all they had given him by the Bill of Tonnage and Poundage ; nor had he been able to give his Brothers One Shilling since he came into *England*, nor to keep any Table in his House, but what he eat himself. And that which troubled him most was, to see so many of them come to *Whitehall*, and to think they must go somewhere else for a Dinner ; that he did not mention this to them as any thing that troubled him ; let them but take Care of the Publick,

Publick, and for what was necessary for the Peace and Tranquility of the Kingdom, and let them take their own time for his own Particular, which he was sure they would provide for with as much Frankness and Affection as he could desire.

THE King having passed the many Bills that were presented to him, the Parliament proceeded with the many other weighty Affairs before them, till the 13th of *September*, at which time divers Bills being again ready, the King passed them, and said, ' that if his Presence there
' had not been requisite for the passing those
' many Bills, he had always intended to see
' them together before their Adjournment, that
' he might again thank them for the many good
' Things they had done for him and the Kingdom; and that in Truth he did thank them
' more for what they had done for the Publick,
' than what they had done for his own Particular; and yet he thank'd them too for that
' with all his Heart: But he confess'd to them
' he did thank them more for the Provision
' they had made to prevent Free Quarter during the time the Army should be disbanding,
' which he took to be given for his Satisfaction,
' on, than he did for the other Present they
' had made him for his own particular Occasions; and he did promise them, which was
' the best Way he could take to gratifie them,
' he would not apply One Penny of the Money
' to his own particular Occasions, what shift soever he made, till it was evident to him that
' the Publick would not stand in need of it;
' and if it did, every Penny of it should be
' disbursed that Way; and he durst say he
' should not be the Poorer for it.

‘ THAT

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‘ That he could not but take Notice of one
‘ particular Bill he had passed, which might
‘ seem of an extraordinary Nature, that con-
‘ cerning the Duke of Somerset, [*by which, he,*
being then only Marquiss of Hertford, was resto-
red to the Dukedom of Somerset;] ‘ but they all
‘ knew it was for an extraordinary Person, who
‘ had merited as much of the King his Father
‘ and himself as a Subject could do; and he
‘ was none of those who thought that Sub-
‘ jects by performing their Duties in an extra-
‘ ordinary manner did not oblige their Prin-
‘ ces to reward them in an extraordinary man-
‘ ner; and there could be no danger from such
‘ a Precedent; and he hoped no Man would
‘ envy him, because he had done what a good
‘ Master should do to such a Servant.

‘ That he would not deny to them that he
‘ had some Inclination, when he consented up-
‘ on their Desire to a Recess, to have made
‘ a Session, which he thought most agreeable
‘ to the Antient Order of Parliaments, and he
‘ hoped they would join with him in reducing
‘ the Proceedings of Parliaments to the Anti-
‘ ent Rules and Orders of Parliaments, the de-
‘ viation from which had done them no Good;
‘ and he thought there were never so many
‘ Bills passed together, as he had this Day
‘ given his Assent to, without a Session: But
‘ upon the Desire and Reasons given by the
‘ House of Commons for an Adjournment
‘ without a Session, he did very willingly de-
‘ part from that Inclination, and did as willing-
‘ ly give them leave, and direct them that they
‘ should Adjourn themselves till the Sixth of
‘ *November*, when he hoped they would all
‘ meet again: And in the mean time that they
‘ would

‘ would be all welcome to their Countries,
‘ and do him much Service there.

‘ THAT he had many Particulars to say and
‘ recommend to them, in which he could not e-
‘ nough trust his own Memory, and should
‘ command the Chancellor to say the rest to
‘ them.

THE Chancellor, who had yet a great
Hand undoubtedly in forming and appro-
ving of this, as well as the others of the King’s
Speeches and Declarations, for which Cause
I have taken so much Notice of them; and
in particular gave his Advice, that this should
be no Sessions, but an Adjournment, whereby
some Things still remaining before the Parlia-
ment already begun, for the Benefit of the
Publick, might the sooner and more expedi-
tiously be dispatched at their Meeting, made
the following most Excellent Speech to both
Houses.

‘ MY Lords and Gentlemen, The King tells
‘ you that he hath commanded me to say many
‘ Particulars to you; and the Truth is, he hath
‘ charged me with so many, that I have great
‘ Reason to fear that I shall stand in much need
‘ of his Mercy, for omitting many things he hath
‘ given me in Command, at least for delivering
‘ them in more Disorder and Confusion than
‘ Matters of such Moment and Importance ought
‘ to be to such an Assembly, for which the
‘ King himself hath even a kind of Reverence
‘ as well as an extraordinary Kindness. I am
‘ to mention some Things he hath done already,
‘ and many things he intends to do, during this
‘ Recess, that you may see how well content
‘ soever he is that you should have Ease, and
‘ Pleasure, and Refreshment, he hath designed
‘ Work enough for himself.

‘ THE

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' THE King hath thanked you for the
 ' Provision you have made that there may be
 ' no Free Quarter during the time the Army
 ' shall be disbanding, and hath told you what
 ' he will do with that Money you have given
 ' him, if there should want wherewithal to
 ' disband it; and now I hope you will all be-
 ' lieve that his Majesty will consent to the
 ' disbanding: He will do so; and yet he does
 ' not take it unkindly at their Hands who have
 ' thought that his Majesty would not disband
 ' this Army: It was a sober and a rational Jea-
 ' lousie; no other Prince in *Europe* would be
 ' willing to disband such an Army; an Army
 ' to which Victory is entailed, and which, hu-
 ' manely speaking, could hardly fail of Con-
 ' quest whithersoever he should lead it. And
 ' if God had not restored his Majesty to that
 ' rare Felicity, as to be without Apprehension
 ' of Danger at Home or Abroad, and without
 ' any Ambition of taking from his Neighbours
 ' what they are possessed of, himself would
 ' never disband this Army; an Army whose
 ' Order and Discipline, whose Sobriety and
 ' Manners, whose Courage and Success, hath
 ' made it Famous and Terrible over the World.
 ' An Army of which the King and his Two
 ' Royal Brothers may say, as the Noble *Greci-*
 ' *an* said of *Æneas*,

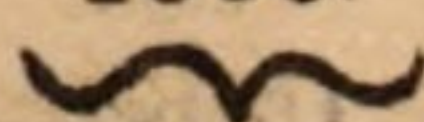
———— *Stetimus tela aspera contra,*
Contulimusq; manus, experto credite, quantus
In clypeum assurgat, quo turbine torqueat hastam.

' THEY have all Three in several Coun-
 ' tries found themselves engaged in the midst
 ' of these Troops, in the Heat and Rage of Bat-
 ' tle, and if any Common Souldier (as no
 ' doubt many may) will demand the Old Ro-
 ' *man*

‘ *man* Priviledge for having encountred Princes 1660.

‘ Single, upon my Conscience he will find
‘ both Favour and Preferment: They have all
‘ Three observed the Discipline, and felt, and
‘ admired, and loved the Courage of this Army,
‘ when they were the worse for it; and I have
‘ seen them in a Season when there was little
‘ of Comfort in their View, refresh themselves
‘ with Joy, that the *English* had done the great
‘ Work, the *English* had got the Day, and then
‘ please themselves with the Imagination what
‘ Wonders they should perform in the Head of
‘ such an Army: And therefore when his Ma-
‘ jesty is so entirely possessed of the Affection
‘ and Obedience of his Army, and when it
‘ hath merited so much from him, can it be
‘ believed or imagined that he can without
‘ some great Regret part with them? No: My
‘ *Lords and Gentlemen*, he will never part
‘ with them; and the only sure Way never to part
‘ with them is to disband them: Should it be
‘ otherwise, he must be exposed to the daily
‘ Importunity of his great Neighbours and Al-
‘ lies; and how could he refuse to lend them his
‘ Troops, of which he hath no use himself?
‘ His Majesty knows they are too good *English-*
‘ *men* to wish that a Standing Army should
‘ be kept up in the Bowels of their own Coun-
‘ trey; that they who did but *in Bello pacis*
‘ *gerere Negotium*, and who, whilst an Army
‘ lived like Good Husbandmen in the Country,
‘ and good Citizens in the City, will now be-
‘ come really such, and take Delight in the
‘ Benefit of that Peace they have so honestly
‘ and so wonderfully brought to pass: The
‘ King will part with them, as the most in-
‘ dulent Parents part with their Children, for
‘ their Education, and for their Preferment; he
‘ will

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' will prefer them to disbanding, and will al-
 ' ways retain such a Kindness for them, and
 ' such a Memory of the Service they have
 ' done him, that both Officers and Soldiers,
 ' after they are disbanded, shall always find
 ' such Countenance, Favour, and Reward from
 ' his Majesty, that he doubts not but if he
 ' should have Occasion to use their Service,
 ' they will again resort to him with the same
 ' Alacrity as if they had never been disband-
 ' ed: And if there be any so Ill amongst them,
 ' (as there can be but very few, if any,) who
 ' will forfeit that Favour and Protection they
 ' may have from him, by withstanding any
 ' his Majesty's Commands, and the full and
 ' declared Sense of the Kingdom, his Majesty
 ' is confident they will be as odious to their
 ' Companions, as they can be to any other Ho-
 ' nest Men.

' *MY Lords and Gentlemen,* I am in the
 ' next place, by the King's Command, to put
 ' you in mind of the Act of Indemnity; not
 ' of any Grants or Concessions, or Releases he
 ' made to you in that Act, I have nothing of
 ' that in Charge: No Prince hath so Excellent
 ' a Memory to forget the Favours he doth;
 ' but of what he hath done against you in that
 ' Act, how you may be undone by that Act,
 ' if you are not very careful to perform the
 ' Obligations he hath laid upon you in it:
 ' The Clause I am to put you in Mind of is
 ' this, *And to the Intent and Purpose that all*
 ' *Names and Terms of Distinction may be like-*
 ' *wise put into utter Oblivion, be it further*
 ' *Enacted by the Authority aforesaid, That if*
 ' *any Person or Persons, within the Space of Three*
 ' *Years next ensuing, shall presume Maliciously*
 ' *to call, or alledge, or object against any other Per-*
 ' *son*

son or Persons, any Name or Names, or other 1660.
Words of Reproach, any Way leading to revive
the Memory of the late Differences, or the Oc-
casion thereof, that then every such Person,
so as aforesaid Offending, shall forfeit, &c. It
 ' is no Matter for the Penalty, it is too cheap
 ' a one; the King wishes it had been greater,
 ' and therefore hath by his just Prerogative
 ' (and 'tis well for us he hath such a Preroga-
 ' tive) added another Penalty more insupporta-
 ' ble, even his high Displeasure against all
 ' who shall swerve from this Clause in the
 ' Act. Give me leave to tell you, That as any
 ' Name or Names, or other Words of Re-
 ' proach, are expressly against the Letter, and
 ' punishable accordingly, so Evil and Envious
 ' Looks, Murmuring and Discontented Hearts,
 ' are as directly against the Equity of this Sta-
 ' tute, a direct Breach of the Act of Indempni-
 ' ty, and ought to be punished too; and I be-
 ' lieve they may be so. You know Kings are
 ' in some Sense called Gods, and so they may in
 ' some Degree be able to look into Men's
 ' Hearts; and God hath given us a King who
 ' can look as far into Men's Hearts as any Prince
 ' alive; and he hath great Skill in Physiogno-
 ' my too; you would wonder what Calculati-
 ' ons he hath made from thence: And no doubt,
 ' if he be provoked by evil Looks, to make a
 ' further Enquiry into Men's Hearts, and finds
 ' those corrupted with the Passions of Envy and
 ' Uncharitableness, He will never chuse those
 ' Hearts to trust and relye upon. He hath gi-
 ' ven us a Noble and Princely Example, by o-
 ' pening and stretching His Arms to all, who
 ' are worthy to be His Subjects, worthy to be
 ' thought *Englishmen*, by extending His Heart
 ' with a Pious and a Grateful Joy to find all

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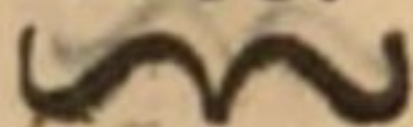
His Subjects at once in His Arms, and himself in theirs: And shall we fold our Arms towards one another, and contract our Hearts with Envy and Malice to each other, by any sharp Memory of what hath been Unneighbourly or Unkindly done heretofore? What is this but to rebel against the Person of the King, against the Excellent Example and Vertue of the King, against the known Law of the Land, this Blessed Act of Oblivion?

MY Lords and Gentlemen, The King is a Suitor to you, makes it his Suit very heartily, That you will join with Him in restoring the whole Nation to its Primitive Temper and Integrity, to its old good Manners, its old good Humour, and its old good Nature; Good Nature, a Vertue so peculiar to you, so appropriated by God Almighty to this Nation, that it can be translated into no other Language, hardly practiced by any other People, and that you will by your Example, by the Candor of your Conversation, by your Precepts, and by your Practice, and by all your Interest, teach your Neighbours and your Friends how to pay a full Obedience to this Clause of the Statute, how to learn this Excellent Art of Forgetfulness.

LET them remember, and let us all remember how Ungracious, how Indecent, how Uggly, the Insolence, the Fierceness, the Brutishness of their Enemies appeared to them; and we may piously and reasonably believe, that God's Indignation against them, for their Want of Bowels, for their not being *Englishmen*, (for they had the Hearts of Pagans and Infidels) sent a Whirlwind in a Moment to blow them out of the World, that is, out of a Capacity to do more Mischief in the World,

ex-

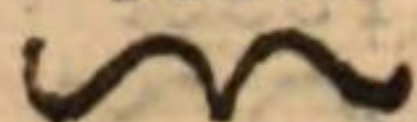
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except we practise their Vices, and do that
our selves which we pretend to detest them
for : Let us not be too much ashamed, as
if what hath been done amiss proceeded
from the Humour, and the Temper, and the
Nature of our Nation. The *Astrologers* have
made us a fair Excuse, and truly I hope a
true one ; all the Motions of these last Twen-
ty Years have been unnatural, and have pro-
ceeded from the Evil Influence of a Malig-
nant Star ; and let us not too much despise
the Influence of the Stars. And the same
Astrologers assure us, that the Malignity of the
Star is expired, the good Genius of this King-
dom is become Superior, and hath mastered
that Malignity, and our good old Stars go-
vern us again, and their Influence is so
strong, that with our Help they will repair
in a Year what hath been decaying in Twen-
ty ; and they only shall have no Excuse from
the Star, who continue their Malignity, and
own all the ill that is past to be their own,
by continuing and improving it for the Time
to come.

I F any Body here, or any where else, be
too much exalted with what he hath done,
or what he hath suffered, and from thence
thinks himself warranted to reproach others,
let him remember the Story of *Nicephorus* ; it
is an excellent Story, and very applicable to
such Distempers : He was a Pious and Reli-
gious Man, and for his Piety and Religion
was condemned to the Fire ; when he was
led to Execution, and when an old Friend,
who had done him Injury enough, fell at his
Feet, and asked his Pardon, the poor Man
was so elated with the Triumph he was go-
ing unto, with the Glory of Martyrdom, that

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he refused to be reconciled unto him; upon
 which he was disappointed of his End; and
 for this Uncharitableness the Spirit of God
 immediately forsook him, and he apostatized
 from the Faith. Let all those who are too
 proud of having been, as they think, less
 faulty than other Men, and so are unwilling
 to be reconciled to those who have offended
 them, take heed of the Apostacy of *Nice-
 phorus*, and that those Fumes of Envy and
 Uncharitableness, and Murmuring, do not so
 far transport and intoxicate them, that they
 fall into those very Crimes they value them-
 selves for having hitherto declined.

BUT, *my Lords and Gentlemen*, whilst
 we conspire together, to execute faithfully
 this Part of the Bill, to put all old Names
 and Terms of Distinction into utter Oblivi-
 on, let us not find new Names and Terms
 to keep up the same, or a worse Distinction:
 If the old Reproaches of Cavalier, and
 Roundhead, and Malignant, be committed
 to the Grave, let us not find more significant
 and better Words, to signifie worse Things;
 let not Piety and Godliness grow into Terms
 of Reproach, and distinguish between the
 Court, and the City, and the Country; and
 let not Piety and Godliness be measured by
 a Morosity in Manners, an Affectation of Ge-
 sture, a new Mode and Tone of Speaking;
 at least, let not our Constitutions and Com-
 plexions make us be thought of a contrary
 Party; and because we have not an affected
 Austerity in our Hearts. Very Merry Men
 have been very Godly Men; and if a good
 Conscience be a continual Feast, there is no
 Reason but Men may be very Merry at it.

YOU,

‘ Y O U, Mr. *Speaker*, have this Day made
‘ a Noble Present to the King. Do you think
‘ that if you and your Companions had brought
‘ it up with Folded Arms, Down-cast Looks,
‘ with Sighs, and other Instances of Despera-
‘ tion, it would not have been a very Melan-
‘ cholly Present? Have not your Frank and
‘ Dutiful Expressions, that Chearfulness and
‘ Vivacity in your Looks, rendred it much
‘ more acceptable, much more valuable? No
‘ Prince in Christendom loves a Chearful Giver
‘ so well as *God Almighty* does, and he of all
‘ Gifts, a Chearful Heart; and therefore I pray
‘ let not a Cloudy and Disconsolate Face be
‘ the only, or the best Sign of Piety and De-
‘ votion in the Heart.

‘ I M U S T ask your Pardon for misplacing
‘ much of this Discourse, which I should have
‘ mentioned, when I came to speak of the Mini-
‘ sters Bill; they, I hope, will endeavour to
‘ remove these new Marks of Distinction and
‘ Reproaches, and keep their Auditories from
‘ being imposed upon by such Characters and
‘ Descriptions. The King hath passed this *Act*
‘ very willingly, and done much to the end of
‘ this *Act* before, yet hath willingly admitted
‘ You to be Sharers and Partners with Him in
‘ the Obligation: I may say confidently His
‘ Majesty hath never denied his Confirmation
‘ to any Man in Possession who hath asked it;
‘ and they have all had the Effect of it, ex-
‘ cept such, who upon Examination and Enqui-
‘ ry appeared not worthy of it; and such,
‘ who tho’ they are pardoned, cannot yet think
‘ themselves worthy to be preferr’d. His Ma-
‘ jesty well knows that by this *Act* he hath
‘ gratified and obliged many worthy and pi-
‘ ous Men, who have contributed much to his

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Restoration, and who shall always receive fresh Evidence of His Majesty's Favour and Kindness, but he is not sure that he may not likewise have gratified some who did neither contribute to his coming in, nor are yet glad that he is in: How comes it else to pass that he receives such frequent Information of Seditious Sermons in the City, and in the Country, in which all Industry is used to alienate the Affections of the People, and to infuse Jealousies into them of the King and his Government? They talk of introducing Popery, of evil Counsellors, and such other old Calumnies as are pardoned by this Act of Indemnity.

HIS Majesty told You when He was last here, what Rigor and Severity He will hereafter use, how contrary soever it is to His Nature, in these Cases; and conjured You, *my Lords and Gentlemen*, to concur with Him in this Just and Necessary Severity, which I am sure You will do with Your utmost Vigilance, and that You will believe that too much Ill cannot befall those who do the best they can to corrupt His Majesty's Nature, and to extinguish His Mercy.

My Lords and Gentlemen, I told You I was to acquaint You with some Things His Majesty intends to do during this Recess, that You may see He will give no Intermission to his own Thoughts for the Publick Good, tho' for a Time He dispences with Your Assistance.

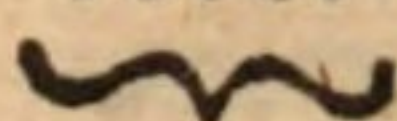
HE doth consider the Infinite Importance the Improvement of Trade must be to this Kingdom, and therefore His Majesty intends forthwith to establish a Council for Trade, consisting of some principal Merchants of the several

‘ feveral Companies ; to which He will add some
 ‘ Gentlemen of Quality and Experience ; and
 ‘ for their greater Honour and Encourage-
 ‘ ment, some of my Lords of His Own Privy-
 ‘ Council.

‘ IN the next Place, His Majesty hopes that
 ‘ by a well-fettled Peace, and God’s great Blef-
 ‘ sing upon Him and You, this Nation will in
 ‘ a short Time flourish to that degree that the
 ‘ Land of *Canaan* did, when *Eſau* found it ne-
 ‘ cessary to part from his Brother. For their
 ‘ Riches were more than that they might
 ‘ dwell together, and the Land wherein they
 ‘ were could not bear them, because of their
 ‘ Cattle. We have been Our Selves very near
 ‘ this Pinacle of Happiness, and the Hope and
 ‘ Contemplation that We may be so again, dis-
 ‘ poses the King to be very solicitous for the
 ‘ Improvement and Prosperity of His Plantati-
 ‘ ons abroad, where there is such large Room
 ‘ for the Industry and Reception of such who
 ‘ shall desire to go thither ; and therefore His
 ‘ Majesty likewise intends to erect and esta-
 ‘ blish a Council for those Plantations, in
 ‘ which Persons well qualified shall be whol-
 ‘ ly intent upon the Good and Advancement
 ‘ of those Plantations.

‘ There are Two other Particulars, which I
 ‘ am commanded to mention, which were
 ‘ both mentioned and recommended to You
 ‘ by His Majesty in His Declaration from *Breda* :
 ‘ The one, for the Confirmation of Sales, or o-
 ‘ ther Recompence for Purchasers ; the other,
 ‘ for the composing those Differences and Di-
 ‘ stempers in Religion, which have too much
 ‘ disturbed the Peace of the Kingdom. Two
 ‘ very weighty Particulars, in which His Ma-
 ‘ jesty knows You have spent much Time, and

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cerning which, He should have heard from
 You before this Time, if You had not met
 with great Difficulties in the Disquisition of
 either.

FOR the first, His Majesty hath not been
 without much Thought upon the Argument,
 and hath done much towards the Accommo-
 dation of many particular Persons, and You
 shall not be at Your Journey's End, before His
 Majesty will put that Business concerning
 Sales into such a Way of Dispatch, that he
 doubts not You will find a good Progress
 made in it before Your Coming together again,
 and I believe the Persons concerned will be
 very much to blame, if they receive not good
 Satisfaction; and some of You who stay in
 Town shall be advised and consulted with in
 that Settlement.

THE other, of Religion, is a sad Argument
 indeed; it is a Consideration that must make
 every Religious Heart to bleed, to see Reli-
 gion, which should be the strongest Obliga-
 tion and Cement of Affection, and Brotherly
 Kindness and Compassion, made now by the
 perverse Wranglings of Passionate and Fro-
 ward Men, the Ground of all Animosity, Ha-
 tred, Malice and Revenge: And this Unruly
 and Unmanly Passion (which no question the
 Divine Nature exceedingly abhors) some-
 times, and I fear too frequently, transports
 those who are in the right, as well as those
 who are in the wrong, and leaves the latter
 more excusable than the former, when Men,
 who find their Manners and Dispositions very
 conformable in all the necessary Obligations
 of Humane Nature, avoid one another's Con-
 versation, and grow first unsociable, and then
 uncharitable to each other, because one can-
 not

not think as the other doth: And from this Separation we entitle God to the Patronage of, and Concernment in our Fancies and Distinction, and purely for his Sake hate one another Heartily. It was not so of old, when one of the most Ancient Fathers of the Church tells us that Love and Charity was so signal and eminent in the Primitive Christians, that it even drew Admiration and Envy from their Adversaries, *Vide inquiunt ut invicem se diligat*: Their Adversaries in that in which they most agreed, in their very Prosecution of them, had their Passions and Animosities amongst themselves; they were only Christians that Loved, and Cherished, and Comforted, and were ready to die for one another; *Quid nunc illi dicere Christiani, si nostra viderent tempora*, says the incomparable Grotius: How would they look upon our sharp and virulent Contentions in the Debates of *Christian Religion*, and the Bloody Wars that have proceeded from those Contentions, whilst every one pretended to all the Marks which are to attend upon the true Church, except only that which is inseparable from it, *Charity to one another*.

MY Lords and Gentlemen, This Disquisition hath cost the King many a Sigh, many a sad Hour, when he hath considered the almost irreparable Reproach the *Protestant Religion* hath undergone, from the Divisions and Distractions which hath been so notorious within this Kingdom. What Pains he hath taken to compose them, after several Discourses with the Learned and Pious Men of different Perswasions, you will shortly see, by a *Declaration* he will publish upon that Occasion, by which you will see his great Indulgence to

1660. *W* to those who can have any Protection from
 Conscience to differ with their Brethren: And
 I hope God will so bless the Candor of His
 Majesty in the Condescensions he makes, that
 the Church, as well as the State, will return
 to that Unity and Unanimity, which will
 make both King and People as happy as they
 can hope to be in this World.

MY Lords and Gentlemen, I shall conclude
 with the King's Hearty Thanks to you, not
 only for what you have done towards him,
 which hath been very Signal, but for what
 you have done towards each other, for the
 Excellent Correspondence you have main-
 tain'd; for the very seasonable Deference and
 Condescension you have had for each other,
 which will restore *Parliaments* to the Vene-
 ration they ought to have. And since His
 Majesty knows that you all desire to please
 him, you have given him Ample Evidence
 that you do so; he hath appointed me to
 give you a sure Receipt to attain that Good
 End, it is a Receipt of his own prescribing,
 and therefore is not like to fail.

BE but pleased your selves, and perswade
 others to be so; contrive all the Ways imagi-
 nable for your own Happiness, and you will
 make him the best pleased, and the most
 Happy Prince in the World.

NOTHING seem'd now to blow on all
 Sides but Gales of Prosperity to the King
 and the whole Nation, and none so much
 Courted and Caressed as the Lord Chancel-
 lor, of all the Ministers, whereof he indeed
 was the Chief, and most Capable; and *Willi-
 am Duke of Somerset* giving Way to Fate in
 the Month of *October* this Year, the Univer-
 sity of *Oxford* were pleased to make Choice
 of

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of Sir *Edward Hyde* to be their Chancellor in his Room. About the same time he was one of those Lords put in a Commission of Oyer and Terminer to try the Regicides; and His Majesty on the 3d of *November* was pleased, in Gratitude for the Long and Faithful Services of my Lord Chancellor, and as an Instance of his Royal Favour, to raise him to the Decree of a Baron of *England*, by the Title of Lord *Hyde of Hindon*, in the County of *Wilts*, and on the 20th of *April* 1661 he created him Viscount *Cornbury* in the County of *Oxford*, and Earl of *Clarendon* in *Wiltshire*, with Ceremony in the Banqueting-House at *Whitehall*; Three Days before his Majesty's Coronation, being the first of the Six Earls, who were made against that Solemnity.

BUT to return to the Proceedings of the Parliament, and the last Part the Lord Chancellor acted therein. It's out of our Way to insist upon what they did from the Sixth of *November* to the 29th of *December*, the Day of their Dissolution; you will see what the King says of them in his Speech, but more at large, you have their Actions and Character, with other Circumstances of Things, at that time more amply depeinted to you by that of my Lord Chancellor, and both of them here follow in their own Words, with the Intervention of a Remark or Two upon the first of them.

‘ *MY Lords and Gentlemen*, I will not entertain you with a long Discourse; the Sum
‘ of all I have to say to you being but to give
‘ you Thanks, very Hearty Thanks; and I assure you I find it a very difficult Work to satisfy
‘ tisfie my self in my own Expressions of those
‘ Thanks, Perfunctory Thanks, Ordinary
‘ Thanks for Ordinary Civilities are easily given;
‘ but when the Heart is as full as mine
‘ is,

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‘ is, it is a Labour to thank you You have ta-
 ‘ ken great Pains to oblige me, and therefore it
 ‘ cannot be easie for me to expresse the Sence I
 ‘ have of it.

‘ I will enlarge no further to you upon this
 ‘ Occasion, than to tell you, That when God
 ‘ brought me hither, I brought with me
 ‘ an Extraordinary Affection and Esteem
 ‘ for Parliaments. I need not tell you
 ‘ how much it is improved by your Car-
 ‘ riage towards me. You have out-done all
 ‘ the good and obliging Acts of your Predeces-
 ‘ sors towards the Crown; and therefore you
 ‘ cannot but believe my Heart is exceedingly
 ‘ enlarged with the Acknowledgment.

‘ MANY former Parliaments have had par-
 ‘ ticular Denominations from what they have
 ‘ done; they have been stiled, *Learned* and
 ‘ *Unlearned*, and sometimes have had worse
 ‘ Epithites; I pray let us all Resolve that this
 ‘ be for ever called, *The Healing and the Blessed*
 ‘ *Parliament*.

‘ AS I thank you, though not enough, for
 ‘ what you have done, so I have not the least
 ‘ doubt by the Blessing of God, but when I
 ‘ shall call the next Parliament, which I shall
 ‘ do as soon as reasonably you can expect or
 ‘ desire, I shall receive your Thanks for what
 ‘ I have done since I parted with you: For I
 ‘ deal truly with you, I shall not more pro-
 ‘ pose any one Rule to my self, in my Actions,
 ‘ and my Counsels, than this, *What is a Par-*
 ‘ *liament like to think of this Action, or this*
 ‘ *Council?* And it shall be Want of Under-
 ‘ standing in me, if it will not bear that Test.

‘ I shall conclude with this, which I cannot
 ‘ say too often, nor you too often, where you
 ‘ go, that next to the Miraculous Blessing of
 ‘ God

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‘ God Almighty, and indeed, as an immediate
‘ Effect of that Blessing, I do impute the good
‘ Disposition and Security we are all in, to
‘ the happy Act of Indemnity and Oblivion,
‘ that is the Principal Corner-stone which
‘ supports this Excellent Building, that cre-
‘ ates Kindness in us to each other; and Con-
‘ fidence is our Joint and Common Security.
‘ You may be sure I will not only observe it
‘ Religiously and Inviolably my self, but also
‘ exact the Observation of it from others: And
‘ if any Person should ever have the Boldness
‘ to attempt to perswade me to the contrary, he
‘ will find such an Acceptation from me as he
‘ would have, who should perswade me to burn
‘ *Magna Charta*, Cancel all the Old Laws, and
‘ to erect a New Government after my own
‘ Invention and Appetite.

‘ T H E R E are many other Particulars which
‘ I will not trust my own Memory with, but will
‘ require the Chancellor to say the rest to you.

I T’s very well known that the Earl of
Bristol in the Year 1663 accused the Lord Chan-
cellor among other Things of assuming the Su-
pream Dictatorship of Affairs in the Kingdom;
and the Parliament did no less by the Noble
Earl in 1667, of both which more by and by:
And so it must be allowed and believed by all
Impartial Men, if we consider the great Favour
the Earl was yet in, and the happy Talent he
was endowed with, in preparing Things of this
Kind, for Publick View, as well as the long and
happy Experience His Majesty had had of his
great Abilities this Way, that he was the Com-
piler of this Speech; wherein there is more
particularly one Expression that deserves to be
writ in Characters of Gold, viz. *That he*
should not more propose any one Rule to him-
self

1660. *self in his Actions and Councils than this, what is a Parliament like to think of this Action, or this Council?* To do this Prince Justice, this was the Council he steadily pursued, while the Earl of *Clarendon* continued in high Favour with him, which did not last in this extream Degree much above a Year and Nine Months after this; tho' 'tis true, he frequently advised with him afterwards: There came on in Time another Set of Favourites, who had neither the Wisdom nor the Integrity of the Lord Chancellor, who by Degrees brought him to flight, then to hector, and last of all, to abhor Parliaments, by countenancing those Miscreants that petitioned him against the Sitting of them: A Practice never any of his Predecessors was guilty of: The Truth of this is very well known to many Persons still living, and so far as it relates to the Honour and Vindication of the Earl of *Clarendon*, will appear clearly enough, before we go through with this History of his Life. But now to the Chancellor's most Excellent Speech, which ran in these Words.

MY Lords, and you the Knights, Citizens,
 ' and Burgesses of the House of Commons;
 ' there cannot be a greater Manifestation of an
 ' Excellent Temper and Harmony of Affection
 ' on throughout the Nation, than that the
 ' King and his Two Houses of Parliament meet
 ' with the same Affections and Cheerfulness,
 ' the same Alacrity in their Countenance at
 ' Dissolution, as when they met at the Con-
 ' vention of Parliament: It is an unquestiona-
 ' ble Evidence, that they are exceedingly satis-
 ' fied in what they have done towards each o-
 ' ther, that they have very well done all the
 ' Business they came about: This is now your
 ' Case, you have so well satisfied your own
 ' Con-

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‘ Consciences, that you are sure you have satis-
‘ fied the King’s Expectation, and his Hope, and
‘ the Desires and Wishes of the Country. It
‘ was very justly observed by you, Mr. *Speaker*,
‘ that you have never asked any one Thing of
‘ the King, which he hath not with all imagi-
‘ nable Cheerfulness granted; and in Truth His
‘ Majesty doth with great Comfort acknow-
‘ ledge that you have been so far from deny-
‘ ing him any thing he hath asked, that he hath
‘ scarce wished any thing that you have not
‘ granted, and it is no wonder, that having so
‘ fully complied with your Obligations, and
‘ having so well composed the Minds of the
‘ Nation, you are now willing to be relieved
‘ from this extraordinary Fatigue you have sub-
‘ mitted to, and to return to the Consideration
‘ of your own particular Affairs, which you
‘ have so long sacrificed to the Publick; and
‘ this reasonable Wish and Desire hath brought
‘ the King to comply with you, and which no-
‘ thing else could do, to part with you with an
‘ equal Cheerfulness; and he makes no doubt
‘ but all succeeding Parliaments will pay you
‘ their Thanks for all you have done, and
‘ look upon your Actions and your Example
‘ with all possible Approbation and Reve-
‘ rence.

THE King and you have given such Earnest
‘ to each other of your Mutual Affection, you
‘ have been so exact and punctual in your Pro-
‘ ceedings towards each other, that you have
‘ made no Promise, no Profession to each other,
‘ of the making good, and performing of which
‘ the World is not Witness: You declared at
‘ the Adjournment in *September* last your Re-
‘ solution to settle a Noble Revenue on the
‘ Crown: You have done it with all the Cir-
‘ cumstances

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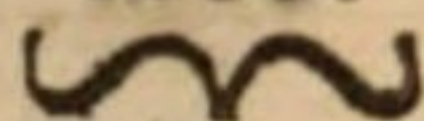


‘ circumstances of Affection and Prudence. The
‘ King promised you to establish a Council for
‘ Trade, a Council for the Foreign Plantations,
‘ a Commission for Composing all Difference
‘ upon Sales ; all this he did before your com-
‘ ing together, and with very good Effect ;
‘ and you shall hear that the Proceedings in
‘ every one of them are more vigorous and
‘ effectual after your Dissolution : His Majesty
‘ then promised you that he would give up all
‘ his Endeavours to compose the unhappy diffe-
‘ rences in Matters of Religion, and to restore
‘ the languishing Church to Peace, Unity and
‘ Order : *Constantine* himself hardly spent so
‘ much of his own Time in private and pub-
‘ lick Conferences to that Purpose ; His Ma-
‘ jesty in private conferred with the Learned
‘ Men, and heard all that could be said upon
‘ several Opinions and Interests apart, and then
‘ in the Presence of both Parties, himself mo-
‘ derating in the Debates, (and less Care,
‘ Diligence and Authority would not have done
‘ the Work) and God hath so blessed his La-
‘ bour, and made his Determinations in that
‘ Affair so generally agreeable, that he hath
‘ received Thanks from His Houses of Parlia-
‘ ment, that is, from the whole Kingdom :
‘ If after all this His Majesty doth not reap
‘ the full Harvest he expected from those Con-
‘ descensions ; if some Men, by their Writing,
‘ and by their Preachings endeavour to conti-
‘ nue those Breaches, and very rashly, and I
‘ think unconscientiously keep up the Distincti-
‘ ons, and publickly justify and maintain what
‘ hath heretofore been done amiss, and for
‘ which the Act of Indemnity was the best
‘ Defence ; I shall say no more, than that I
‘ hope their Want of Modesty and Obedience
‘ will

will cause them to be disclaimed by all Pious
 and Peaceable Men, who cannot but be well
 contented to see them reduced by Law to
 the Obedience they owe to Law: And his
 Majesty is confident, that his Beloved City,
 towards which his Heart is so Gracious, and
 so full of Princely Designs to improv. their
 Honour, their Wealth, and their Beauty,
 will Discountenance all those Seditious De-
 signs, and by returning and fixing themselves
 upon their good Old Foundations, make them-
 selves the Great Example of Piety, of Loyalty,
 and of Hearty Affection to the whole King-
 dom.

THIS Discourse puts me in mind to say
 to you; that though the King wonders much
 more at the many great Things you have
 done, than that you have left any thing un-
 done, yet he could have wished, and would
 have been glad, that your other weighty Af-
 fairs had given you time to have published
 your Opinion and Advice in the Business of
 the *Militia*, that the People after so many
 Disputes upon that Argument, might have
 discerned that the King, and his Two Houses
 of Parliament, are as much of the same Mind
 in that, as in all other things, as no doubt
 they are. But since that could not be done,
 you may all assure your selves that the King
 will proceed therein with all imaginable Care
 and Circumspection, for the Ease, Quiet
 and Security of his People: And as he did
 before the last Recess, by the unanimous Ad-
 vice of his Privy Council, issue out his Com-
 missions of Lieutenancy for the settling the
Militia in several Counties, to prevent any
 Disorders which many apprehended might
 arise upon the disbanding the Army, so he
 will

1660. will now again recommend it to them to keep themselves in such a Posture as may disappoint any Seditious Designs which are now on Foot; and there cannot be too much Circumspection and Vigilance to frustrate their Designs. You have heard of many suspected and dangerous Persons which have been lately clapped up, and it was high time to look about: His Majesty hath spent many Hours himself in the Examination of this Business; and some of the Principal Officers, who before they came to his Majesty's Presence could not be brought to acknowledge any thing, after the King himself had spoken to them, confessed that their Spirits were insensibly prevailed upon, and subdued, and that it was not in their Power to conceal the Guilt from him. They have confessed, that there is a Party of the late disbanded Officers Soldiers, and others, full of Discontent and Seditious Purposes, and a Resolution to attempt the Change of the present Government, and to erect the Republick. They acknowledge that they did purpose to have made their attempt for the Rescue of their Wretches, who were so justly condemned at *Newgate*, and so worthily executed; and that *Ludlow* should then have appear'd in the Head of them; that they made themselves sure at the same time, by Parties and Confederacy, to have surpriz'd the Tower of *London*, and the Castle of *Windsor*; but that they found, or at least apprehended, that their Design was discovered; which so broke their Spirits, that they concluded they must acquiesce for the present, and stay till the Army should be disbanded, which they said was generally debauched, that is, returned to an honest and fast Obedience



‘ dience to the King; and that it was evident
‘ they were betrayed by those who were most
‘ entirely trusted by them; and they were
‘ in the Right: The King had notice of all their
‘ Design, what Progress it made, and the
‘ Night they intended to surprize the *Tower*
‘ and *Windsor*, and gave notice to the several
‘ Governours; and so without any Noise, that
‘ Mischief was by God’s Goodness prevented.
‘ They acknowledge that they have since reco-
‘ vered their Courage and Resolution, and
‘ were about this time to make their full At-
‘ tempt; they have been promised some con-
‘ siderable Rising in the West under *Ludlow*, and
‘ in the North under others, but this Place
‘ was the Scene of greatest Hope; they made
‘ sure of a Body here, I think they say of Two
‘ Thousand Five Hundred Men, with which
‘ they resolved in the first place to secure
‘ (you know what that Security is) the
‘ Person of the General, the Duke of *Albemarle*
‘ with whom they have so much Reason to be
‘ Angry, and at the same time to possess them-
‘ selves of *Whitehall*. You know the Method
‘ used in this possessing, *Kill, and take Possession*;
‘ and this unsupportable Calamity God hath
‘ again diverted from us; though I must tell
‘ you, the poor Men who seem to speak honest-
‘ ly, and upon the Impulsion of Conscience,
‘ are very far from being confident that there
‘ will not be some desperate Insurrections and
‘ Attempts in several Parts of the Kingdom
‘ within a short time, which all possible Care
‘ will be taken to prevent: And in truth this
‘ very good City so well requires the King’s
‘ abundant Grace and Kindness to it, that not
‘ only by the unwearied Pains and Dili-
‘ gence of the Worthy Lord Major, but by the
‘ general Temper and Constitution of the

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‘ whole City, the discontented and seditious
 ‘ Party (which can never be totally extirpated
 ‘ out of such a *Metropolis*) is like to receive
 ‘ little Encouragement to pursue their desperate
 ‘ Counsels.

‘ THE King doth not believe that all those
 ‘ Persons who at present are apprehended, and in
 ‘ Custody, will be found guilty of this Treason;
 ‘ it is a vulgar and known Artifice, to corrupt
 ‘ Inferiour Persons, by perswading them, that
 ‘ better Men are engaged in the same Enterprize;
 ‘ and the King will make as much haste as he
 ‘ can to set those at Liberty, against whom the
 ‘ Evidence or Suspicion is not too reasonable:
 ‘ In the mean time, they who are in truth
 ‘ Innocent, must confess that the proceeding
 ‘ towards them, hath been very Natural and
 ‘ full of Clemency; and no Man will wonder,
 ‘ if his Majesty be very desirous that in this
 ‘ Conjunction, and in order to prevent, or
 ‘ suppress these two visible Distempers and
 ‘ Machinations, his Militia in all Places be in
 ‘ good Order and Preparation: And you may
 ‘ assure your selves, that in the Forming and
 ‘ Conduct of it, he will have so great a Care
 ‘ of the Ease and Quiet of his People, that if
 ‘ any Person trusted by him, shall through
 ‘ want of Skill, or want of Temper, satisfy his
 ‘ own Passion or Appetite, in Grieving or Vex-
 ‘ ing his Neighbours, his Majesty will be so
 ‘ sensible of it, that if it can be cured no other
 ‘ way, his Trust shall be quickly determined,
 ‘ and he is not at all reserved in giving those
 ‘ Animadversions and Reprehensions, when there
 ‘ is Occasion; and his Ears will be always open
 ‘ to receive those Complaints.

‘ *My Lords and Gentlemen*, You are now re-
 ‘ turning to your Countries to the Thanks and
 ‘ Ac-

‘ Acknowledgments of your Friends and Neigh-
‘ bours, for the great Things you have done, and
‘ to make the Burthens you have laid upon
‘ them easie, by convincing them of the inevi-
‘ table Necessity, of their submitting to them;
‘ you will make them see that you have pro-
‘ ceeded very far towards the Separation, and
‘ even Divorce of that Necessity from them, to
‘ which they have been so long married; that
‘ they are now restored to that Blessed
‘ Temper of Government, under which their
‘ Ancestors enjoyed, for so many Hundred Years,
‘ that full Measure of Felicity, and the Misery
‘ of being deprived of which they have so sen-
‘ sibly felt, that they are now free from those
‘ Midnight Alarms, with which they have been
‘ terrified, and rise out of their Beds at their
‘ own Healthy Hours, without being saluted
‘ with the Death of a Husband, a Son, and
‘ Friend, miserably killed the Night or the
‘ Day before, and with such Circumstances
‘ killed, as improved the Misery beyond the
‘ Loss its self; this Enfranchisement is worth
‘ all they pay for it: Your Lordships will easi-
‘ ly recover that Estimation and Reverence that
‘ is due to your high Condition, by the Exer-
‘ cise and Practice of that Vertue, from whence
‘ your Honours first Sprang; the Example of
‘ your Justice and Piety will inflame the Hearts
‘ of the People towards you; and from your
‘ Practice, they will make a Judgment of the
‘ King himself: They know very well, that
‘ you are not only admitted to his Presence,
‘ but to his Conversation, and even in a De-
‘ gree to his Friendship, for you are his great
‘ Council. By your Example they will form
‘ their own Manners, and by yours they will
‘ make some Guess at the King’s: Therefore

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under that Obligation, you will cause your
Piety, your Justice, your Affability, and your
Charity, to shine as bright as is possible before
them. They are too much in love with *Eng-*
land, too partial to it, who believe it the
best Country in the World; there is better
Earth, and a better Air, and a better, that is,
a warmer, Sun in other Countries; but we
are no more than just when we say that
England is an Enclosure of the best People in
the World, when they are well informed and
instructed; a People in Sobriety of Conscience
the most devoted to God Almighty; in the
Integrity of their Affections, the most dutiful
to the King; in their good Manners and In-
clinations, most regardful and loving to the
Nobility; no Nobility in *Europe* so entirely
loved by the People; there may be more Awe,
and Fear, and Terror of them, but no such
Love towards them as in *England*. I beseech
your Lordships do not undervalue this Love:
They have looked upon your Lordships, and
they will look upon your Lordships again,
as the greatest Examples and Paterns of Du-
ty to the King, as their greatest Security and
Protection from Injury and Injustice, and for
their enjoying whatsoever is due to them by
the Law, and as the most proper Mediators
and Interposers to the King, if by any fai-
lure of Justice they should be exposed
to any Oppression and Violence: And this
Exercise of your Justice and Kindness to-
wards them, will make them the more abhor-
and abominate that Parity upon which a Com-
monwealth must be founded, because it would
extirpare, or suppress, or deprive them of
their Beloved Nobility, which are such a Sup-
port and Security to their full Happiness.

AND

‘ AND You Gentlemen of the House of
 ‘ Commons, you are now returning to your
 ‘ Country laden with a Trust not inferior or
 ‘ weighty than that you brought from thence;
 ‘ you came up their Deputies to the King, and
 ‘ he returns you now his Deputies to them,
 ‘ his Plenipotentiaries, to inform and assure
 ‘ them that he thinks himself the happiest and
 ‘ the greatest Prince of the World; not from the
 ‘ Scituation of his Dominions, and the Power of
 ‘ his great Navy, with which he can visit his
 ‘ Neighbours, and keep them from visiting
 ‘ him, or from the Noble Revenue you have
 ‘ settled upon him, which he will improve with
 ‘ all good Husbandry, but from being possessed
 ‘ of the Affections and Hearts of such Subjects;
 ‘ that he doth so entirely love them, and de-
 ‘ pend upon them, that all his Actions, and all
 ‘ his Counsels, shall tend to no other End but
 ‘ to make them Happy and Prosperous; that
 ‘ he thinks his Honour and his Interest prin-
 ‘ cipally to consist in providing for, and
 ‘ advancing the Honour and Interest of the
 ‘ Nation: That you may have the more Credit
 ‘ in what you say, he will not take it unkindly
 ‘ if you publish his Defects and Infirmities:
 ‘ You may tell them, that he is so confident in
 ‘ the Multitude of his very Good and Faithful
 ‘ Subjects, that he is very hard to be perswaded
 ‘ that his few ill and unfaithful Subjects can
 ‘ do him much harm; that he so much depends
 ‘ upon the Affection of Honest Men, and their
 ‘ Zeal for his Security, that he is not so sollici-
 ‘ tous and vigilant for his own Safety as he
 ‘ ought to be, amidst so many Combinations,
 ‘ of which he is so well informed, that his
 ‘ Servants, who with Grief and Anguish im-

1660.  portune him not to take so little Care of his own Safety, can obtain no other Answer from him, than what *Cæsar* heretofore gave to his jealous Friends, *Mori se malle quam timeri*, or *timere*; he will die any Death, rather than live in fear of his own Subjects, or that they should live in fear of him: You may tell them as a great Infirmity, that a troubled and discontented Countenance so afflicts him, that he would remove it from them at his own Charge as if he himself were in the fault; and when he hath been informed of any less kind, or jealous thing said amongst you, as your Windows are never so close shut, but that the Sound of your Words goes to the several Corners of the Town, his Majesty hath been heard to say no more, but, *what I have done? I wish that Gentleman and I were acquainted, that he knew me better.* Oh, Gentlemen, you cannot be your selves, nor you cannot make your Friends too zealous, or too jealous for such a Prince's Safety, or too sollicitous for such a Prince's Satisfaction and Content, to whom we may very justly say, as the King of Tyre writ to Solomon, *because God hath loved his People, he hath made thee King over them:* Even his Defects and Infirmities are very necessary towards the full Measure of our Prosperity.

MY Lords and Gentlemen, God hath enabled us to invert one Argument, which, I hope, may to a good Degree repair the much Mischief it hath heretofore done: It hath been urged very unreasonably, yet successfully urged in the worst Times, that it was not Faith, but Presumption, to expect that God would restore a Family, with which he seem'd to have a Controversie, and had humbled so far;

‘ far; that he would ever Countenance a Par-
‘ ty, that he had so much Discountenanced,
‘ and almost destroyed. We may now much
‘ more reasonably, and therefore I hope as ef-
‘ fectually, press the Miracles that God Al-
‘ mighty hath lately wrought for King and
‘ People, as an Evidence that he will not again
‘ easily forsake them: We may tell those, who
‘ are using all their Endeavours to imbroid the
‘ Nation in new Troubles, that it is not proba-
‘ ble, that a Nation against which God seemed
‘ these late Years to have pronounced his Judg-
‘ ment, in the very Language of the Pro-
‘ phet;

*Go ye swift Messengers to a Nation scattered
and peeled, to a People terrible from the
Beginning hitherto, a Nation rooted out
and trodden down, whose Land the Rivers
have spoiled: — The Lord hath min-
gled a perverse Spirit in the midst there-
of.*

‘ That he should reduce that Perverseness to
‘ the greatest Meekness and Resignation, that
‘ he should withdraw his Judgment from this
‘ Nation, and in a Moment restore it to all the
‘ Happiness it can wish, and to no other End,
‘ but to expose it to the Mercy and Fury of a
‘ few discontented Persons, the worst of the
‘ Nation, is not easie to be believed.

‘ WE may tell those who still contrive the
‘ Ruin of the Church, the best, and the best
‘ Reformed Church in the Christian World;
‘ Reformed by that Authority, and with those
‘ Circumstances as a Reformation ought to
‘ be made, that God would not so miraculously
‘ have snatched this Church as a Branch out of
‘ the

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the Fire, would not have raised it from the Grave, after he had suffered it to be buried so many Years, by the boisterous Hands of Prophane and Sacrilegious Persons, under its own Rubbish, to expose it again to the same Rapine, Reproach and Impiety: That Church, which Delights itself in being called Catholic, was never so near Expiration, never had such a Resurrection: That so small a Pittance of Meal and Oyl should be sufficient to preserve and nourish the poor Widow and her Family so long, is very little more miraculous, than that such a Number of Pious, Learned, and very Aged Bishops, should so many Years be preserved in such wonderful Streights and Oppressions, until they should plentifully provide for their own Succession: That after such a deep Deluge of Sacrilege, Prophaneness and Impiety, had covered, and to common Understanding swallow'd it up, that that Church should again appear above the Waters, God be again served in that Church, and served as he ought to be, and that there should be still some Revenue left to support and encourage those who serve him; nay, that many of those who seemed to thirst after that Revenue, till they had possessed it, should conscientiously restore what they had taken away, and become good Sons, and willing Tenants to that Church they had so lately spoiled, may make us all piously believe, that God Almighty would not have been at the Expence and Charge of such a Miracle, so manifested himself to us in such a Deliverance, but in the behalf of a Church very acceptable to him, and which shall continue to the End of the World,

‘ World, and against which the Gates of Hell
‘ shall not be able to prevail.

‘ W E may tell those desperate Wretches,
‘ who yet harbour in their Thoughts Wicked
‘ Designs against the Sacred Person of the King,
‘ in order to the compassing their own Imagi-
‘ nations, that God Almighty would not have
‘ led him through so many Wilderesses of Af-
‘ flictions of all Kinds, conducted him through
‘ so many Perils by Sea, and Perils by Land,
‘ snatch’d him out of the midst of this King-
‘ dom, when it was not worthy of him; and
‘ when the Hands of his Enemies were even
‘ upon him, when they thought themselves so
‘ sure of him, that they would bid so cheap and
‘ so vile a Price for him, he would not in that
‘ Article have so covered him with a Cloud,
‘ that he Travailed even with some Pleasure
‘ and great Observation through the midst of
‘ his Enemies; he would not so wonderfully
‘ have new Modelled that Army, so Inspired
‘ their Hearts, and the Hearts of the whole
‘ Nation, with an Honest and Impatient Long-
‘ ing for the Return of their Dear Sovereign,
‘ and in the mean time have so Exercised him
‘ (which had little less of Providence in it than
‘ the other) with those unnatural, or at least
‘ unusual Disrespects and Reproaches abroad,
‘ that he might have a Harmless and Innocent
‘ Appetite to his own Country, and return to
‘ his own People with a full Value, and the
‘ whole unwasted Bulk of his Affections, with-
‘ out being corrupted or biased by Extraor-
‘ dinary Foreign Obligations: God Almighty
‘ would not have done all this, but for a Ser-
‘ vant whom he will always preserve as the
‘ Apple of his own Eye, and always defend
‘ from

1660. ' from the most secret Machinations of his
 ~~~~~ ' Enemies.

' IF these Argumentations, Gentlemen, urged with that Vivacity as is most natural to your own Gratitude and Affections, recover as many (and it would be strange if it should not) as have been corrupted by the other Logick, the Hearts of the whole Nation, even to a Man, will insensibly be so devoted to the King, as the only Conservator and Protector of all that is dear and precious to them, and will be so zealous to please him, whose greatest Pleasure is to see them pleased, that when they make Choice of Persons again to serve in Parliament, they will not chuse such who they wish should oppose the King, but therefore chuse them, because they have, and because they are like to serve the King with their whole Hearts; and since he desires what is best for his People, to gratifie him in all he Desires: This blessed Harmony would raise us to the highest Pinacle of Honour and Happiness in this World, a Pinacle without a Point, upon which King and People may securely rest and repose themselves against all the Gusts, Storms and Tempests, which all the Malice of this World can raise against us, and I am sure you will all contend to be at the top of this Pinacle.

' I have no more to add, but the Words of Custom, *that the King declares this present Parliament to be dissolved; and this present Parliament is dissolved.*

BETWEEN the dissolution of this Convention Parliament and the meeting of the next, which was to be on the 8th of May, there was a Matter agitated at the Helm, that afterwards thro' the Malice of Enemies and the Credulity of  
 of



of the unthinking Populace was trumped up to the Disadvantage of the Chancellor. Its true, his Daughter was married to the Duke of *York*, then presumptive Heir to the Crown, and proving to be a Prolifick Lady, it was natural for him to wish that some one of the Descendants of his own Body, might in time inherit the Crown of *England*; but that he should be the Contriver, and the only one too, of the Match with *Portugal*, in order to it, is as great a Piece of Forgery and Falshood as ever could be put upon a Man.

IT's very well known that the Queen Mother was in *England*, when this Matter was first set on Foot, and those who seemed to have the best Judgment and Insight into the Intrigues of those Times, looked upon her Coming over into *England* at that time, to be in the Nature of a private Agent from the *French* Court, to promote that Match, which must redound, as it did indeed, to their Advantage, by contributing to get the Crown of *Portugal* to be at last acknowledged Independent of that of *Spain*. As to the Presumption, or rather Assurance (in the Phrase of some) the Chancellor had, that the Infanta, being a *Portuguese*, was past the Age of bearing Children, there is nothing on Earth can be more absurd and ridiculous: If it were true, was it such a Secret in Nature, that no Body must know it but he? But the Lady's Age and the Examples of other Women overthrows all this to the Ground. She was much about Three and Twenty Years and a half when the Marriage was consummated, she having been born on the 14th of *November* 1638, and the Royal Nuptials Celebrated on the 21st of *May* 1662. As for Examples of this kind they are innumerable, her own Mother, the Dutcheffs of *Bra-*



1660.

*Braganza* was older than she at the time when she was delivered of her: *Anne* of *Austria*, Eldest Daughter to *Philip* III. of *Spain*, (the *Spanish* and *Portuguese* Women being much of the same Constitution, as well as in the same Climate,) had been Married within a few Months of as many Years as *Queen Catharine* was Old when Married, before she had *Lewis* XIV. the present *French* King, who was her First-born; and yet she was at, or very near, Maturity when first Married to *Lewis* XIII.

BUT to dwell no longer upon this Head, those who were well acquainted with the Affairs of those Times, and saw into the Carriage and Disposition of the then Court, did not think the Queen was much tired with the Embraces of a Husband; and it appeared by the King's Usage of and Conduct towards her, as if he was not very desirous to have Children by her. But be it as it will, besides what has been already said, the Chancellor is fully cleared of the Aspersions cast upon him, by the King's Speech that here follows; and so far we ought to be from reflecting upon his Memory, for any thing of this kind, that we ought ever to revere it, for having been the most Happy Instrument to give us the Two best Queens that any Nation was ever blest with in this World.

1661.

BESIDES the King's Speech, being as it were the Subject on which the Lord Chancellor was to enlarge, 'tis proper to give a Scetch of it here before we come unto the other. He began with telling them, ' he was sure he ' was very glad to see them there; that he valued himself much upon keeping his Word, ' upon making Good whatsoever he promised ' to his Subjects: And that he well remembered, ' when he was last in that Place, he promised ' that



that he would call a Parliament as soon as 1661.  
could be reasonably expected or desired; and  
that truly, considering the Season of the Year,  
and all that had been done since they parted,  
they could not reasonably expect to meet  
sooner than now they did: That if it might  
have been a Week sooner they would confess  
there was some Reason to defer it to that  
Day; for that Day, they might without Su-  
perstition love one Day, prefer one Day before  
another, for the Memory of some Blessing  
that befel them that Day, and then they could  
not wonder that the Memory of the great Af-  
fection the whole Kingdom shewed to him  
that Day Twelve-month, made him desirous  
to meet them again that Day, when he was  
confident they were full of the same Spirit,  
and that it would be lasting in them: That  
he thought there were not many of them  
who were not particularly known to him;  
that there were very few of whom he had  
not heard so much Good, that he was as sure  
as he could be of any thing that was to come,  
that they would all concur with him, and  
that he should concur with them, in all things  
which might advance the Peace, Plenty and  
Prosperity of the Nation, that he should be ex-  
ceedingly deceived else.

THAT they should find what Method he  
thought best for their proceeding by Two  
Bills which he had caused to be prepared for  
them, which were for Confirmation of all  
that was enacted at their last Meeting: And  
here having repeated a Clause in his last  
Speech about the good Effect of the Act of  
Indemnity, he proceeded, and told them he  
was sure he was still in the same Opinion,  
and more, if it were possible, of that Opinion  
than



1660.

‘ than he was, by the Experience he had of the  
‘ Benefit of it, and from the Unreasonableness of  
‘ what some Men said against it, though he  
‘ assured them not in his Hearing. He desi-  
‘ red them to provide full Remedies for any fu-  
‘ ture Mischiefs, and to be as severe as they  
‘ would against new Offenders, especially if  
‘ they were so upon Old Principles, and to  
‘ pull up those Principles by the Roots:  
‘ But that he should never think him a Wise  
‘ Man, who would endeavour to undermine or  
‘ shake that Foundation of their Publick Peace,  
‘ by infringing that Act in the least Degree;  
‘ or that he could be his Friend, or wish him  
‘ well, who would perswade him ever to con-  
‘ sent to the Breach of a Promise he so solemn-  
‘ ly made when he was abroad, and perform-  
‘ ed with that Solemnity; because and after he  
‘ promised it, he could not suspect any Attempts  
‘ of that kind by any Men of Merit and Vertue.

‘ THAT he would not conclude without  
‘ telling them some News; News that he  
‘ thought would be very acceptable to them;  
‘ and therefore he should think himself unkind  
‘ and ill-natured if he should not impart it to  
‘ them; that he had been often put in mind by  
‘ his Friends that it was high time to Marry;  
‘ and he had thought so himself ever since he  
‘ came into *England*; but that there appear’d  
‘ Difficulties enough in the Choice, though  
‘ many Overtures had been made to him; and  
‘ that if he should never Marry till he could  
‘ make such a Choice, against which there  
‘ could be no foresight of any Inconvenience  
‘ that might ensue, they would live to see him  
‘ an Old Batchelor, which he thought they  
‘ did not desire to do. That now he could  
‘ tell them, not only that he was resolved to  
‘ Marry,



' Marry, but whom he resolved to Marry, if 1661.  
 ' God pleased : And that towards his Resoluti-  
 ' on, he had used that Deliberation, and taken  
 ' that Advice, as he ought to do in an Affair of  
 ' that Importance, and with a full Consideration  
 ' of the Good of his Subjects in general, as of him-  
 ' self; that it was with the Daughter of *Portugal*.  
 ' That when he had, as well as he could, weighed  
 ' all that occurred to him, the first Resolution he  
 ' took was to state the whole Overtures which  
 ' had been made to him, and, in truth, all that  
 ' had been said against it, to his Privy Coun-  
 ' cil ; without hearing whose Advice, he ne-  
 ' ver did, nor ever would, resolve any thing of  
 ' Publick Importance : And he told them with  
 ' great Satisfaction and Comfort to himself,  
 ' (that after many Hours Debate in a full Coun-  
 ' cil,) for he thought there was not above one  
 ' absent; and truly he believed upon weighing  
 ' all that could be said upon that Subject, for  
 ' or against it, the Lords, without one dissent-  
 ' ing Voice, yet there were very few sate silent,  
 ' advised him with all imaginable Cheerfulness  
 ' to this Marriage, which he looked upon as  
 ' very Wonderful, and even as some Instance  
 ' of the Approbation of God himself; and so  
 ' took his own Resolution, and concluded all  
 ' with the Ambassador of *Portugal*, who was  
 ' departing with a whole Treaty signed, which  
 ' they would find to contain many great Ad-  
 ' vantages to the Kingdom; and that he would  
 ' make all the haste he could to fetch them a  
 ' Queen over, who he doubted not would bring  
 ' great Blessings with her to him and them.  
 ' Here having referred the rest to the Lord  
 ' Chancellor, he broke Silence, and began thus.



1661.

MY Lords, and you the Knights, Citizens,  
and Burgeses, of the House of Com-  
mons.

THE King hath called you hither by his  
Writ, to assist him with your Information  
and Advice in the greatest and weightiest Af-  
fairs of the Kingdom: By his Writ, which is  
the only good and lawful Way to the Meeting  
of a Parliament; and the Pursuing that Writ,  
the Remembring how and why they came to-  
gether, is the only Way to bring a happy End  
to Parliaments; there was no such Writ as  
this, no such Presence as this, in the Year  
1649, when this unhappy Kingdom was dis-  
honoured and exposed to the Mirth and Re-  
proach of their Neighbours in the Government  
of a Commonwealth; there was no such Writ  
as this, no such Presence as this, in December  
1653, when that Infant-Commonwealth, when  
the Three Kingdoms of *England, Scotland,*  
and *Ireland*, and the Dominions thereunto be-  
longing, were delivered up into the Bloody  
and Merciless Hands of a devouring Prote-  
ctor, and sacrificed to his Lust and Appetite:  
There was no such Writ as this, no such Pre-  
sence as this, in the Year 1656, when that Pro-  
tector was more solemnly invested and instal-  
led, and the Liberty of the Three Nations  
submitted to his Absolute Tyranny by the  
*bumble Petition and Advice*. When People  
came together by such exorbitant Means, it  
is no Wonder that their Consultations and  
Conclusions were so disproportioned from any  
Rules of Justice or Sobriety. God be thank'd  
that he hath reserved us to this Day, a Day  
that many Good Men have died praying for,  
that



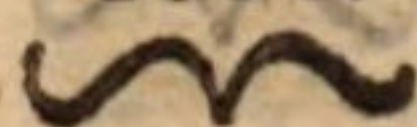
1661.

‘ that after all those Prodigies in Church and  
‘ State, we have lived to see the King at the  
‘ Opening of the Parliament. That we have  
‘ lived to see our King Anointed and Crowned  
‘ by the Hands of an Archbishop, as his Pre-  
‘ decessors have been; and that we are  
‘ come hither this Day in Obedience to his  
‘ Writ.

‘ THE King tells you he hath caused a Bill  
‘ or Two to be prepared for the Confirmation  
‘ of all that was Enacted in the last Parliament,  
‘ and commends the Dispatch of those to you  
‘ with some Earnestness. The Truth is, it is a  
‘ great Part of the Business of this Parliament to  
‘ celebrate the Memory of the last, by confirm-  
‘ ing or re-enacting all that was done by that  
‘ Parliament; which though it was not called  
‘ by the King’s Writ, may be reasonably  
‘ thought to have been called by God himself,  
‘ upon the Supplication and Prayer of the King  
‘ and the whole Nation, as the only Means to  
‘ restore the Nation to its Happiness, to its Self,  
‘ to its Honour, and even to its Innocence.  
‘ How glad the King was of it appears by  
‘ what he writ to them from *Breda*, when he  
‘ referred more to them than ever was referred  
‘ to Parliament; He referred in truth (upon  
‘ the Matter) all that concerned himself, and  
‘ that concerned Religion, all that concerned  
‘ the Peace and Happiness of the Kingdom to  
‘ them: And to their Honour be it spoken, and  
‘ to their Honour be it ever remembered, That  
‘ the King, Religion, and the Kingdom, have  
‘ no Reason to be sorry that so much was in-  
‘ trusted to them; nor they to be ashamed of  
‘ the Discharge of their Trust. It would have  
‘ been a very unseasonable Scruple in any Man,  
‘ who would have refused to bear his Part in

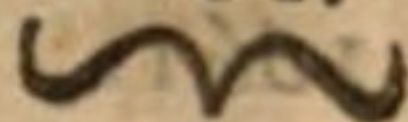


1661.



the Excellent Transactions of that Parliament,  
because he was not called thither by the  
King's Writ; and it would be a more unrea-  
sonable Scruple now, in any Man, after we  
have all received the Fruit and Benefit of  
their Counsels and Conclusions, when in  
Truth we owe our orderly and regular  
meeting at this time to their extraordinary  
meeting then, to their Wisdom in laying hold  
upon the King's Promises, and to the King's  
Justice in performing all he promised, and  
to the Kingdom's Submission and Acquiescence  
in those Promises. I say it would be very  
unseasonable and unreasonable now to endea-  
vour to shake that Foundation, which if you  
will take the King's Judgment, supports the  
whole Fabrick of our Peace and Security.  
He tells you what he shall think of any who  
goes about to undermine that Foundation,  
which is a Zeal no Prince could be trans-  
ported with but himself; it might have seem-  
ed enough for a King who had received so  
many Injuries so hardly to be forgotten,  
undergone so many Losses so impossible to be  
repair'd, to have been willing to confirm  
and to re-enact the *Act of Oblivion and In-*  
*dempnity*, when you should present it to him;  
but to prepare such an Act for you, to conjure  
you by all that is Precious, by your Friend-  
ship to him, to dispatch those Acts with  
Expedition, is such a Piece of Fatherly Ten-  
derness and Piety, as could proceed from no  
Heart, but such a one, in which God hath  
treasured up a Stock of Mercy, and Justice,  
and Wisdom, to Redeem a Nation. And  
truly, my Lords and Gentlemen, for our  
selves, if we'll consider how much we owe  
to those, who with all the Faculties of their  
Souls





‘ Souls contributed to, and contrived the Blessed  
‘ Change, the restoring the King to his Peo-  
‘ ple, and his People to the King; and then  
‘ how much we owe to those who gave no Op-  
‘ position to the Virtuous Activity of the other,  
‘ (and God knows a little Opposition might have  
‘ done much harm,) whether we look upon the  
‘ Publick, or upon our own private Provocati-  
‘ ons, there will remain so few who do not deserve  
‘ to be forgiven by us, that we may very well  
‘ submit to the King’s Advice, and his Example;  
‘ of whom we may very justly say, as a very good  
‘ *Historian* said of a very great Emperor, and I  
‘ am sure it could never be so truly said of any  
‘ Emperor as of ours, *Facere recte Cives suos,*  
‘ *Princeps optimus faciendo docet; cumq; sit*  
‘ *Imperio maximus, exemplo major est.* Nor in-  
‘ deed hath he yet given us, or have we felt any  
‘ other Instances of his Greatness, and Power,  
‘ and Superiority, and Dominion over us, *nisi*  
‘ (as he said) *aut levatione periculi, aut acces-*  
‘ *sione dignitatis,* by giving us Peace, Honour,  
‘ and Security, which we could not have without  
‘ him, by desiring nothing himself; and there-  
‘ fore I hope we shall make no scruple of o-  
‘ beying him in this Particular.

‘ *MY Lords and Gentlemen,* though the last  
‘ Parliament did great and wonderful things  
‘ indeed, as much as in that time they could,  
‘ yet they have left very great things for you  
‘ to do. You are to finish the Structure, of  
‘ which they but laid the Foundation; indeed  
‘ they left some things undone, which it may  
‘ be they thought they finished. You will find  
‘ the Revenue they intended to raise for the  
‘ King very much short of what they promi-  
‘ sed: You will find the Publick Debts for the  
‘ discharge of the Army and the Navy, which  
‘ they



1661. *they thought they had provided for sufficiently, to be still in arrear and unpaid. And here I am by the King's special Command to commend the poor Seamen to you, who by the Rules which were prescribed for their Payment are in a much worse Condition than without Question was foreseen they would be; for by appointing them to be paid but from 1658, (which was a safe Rule to the Army,) very many are still in arrear for Two, Three, or Four Years Service; and so his Majesty's promise to them from Breda remains unperformed. Some other Losses which resulted from other Rules given for their Payment have been supplied to them by the King's own Bounty: They are a People very worthy of your particular Care and Cherishing, upon whose Courage and Fidelity very much of the Happiness, and Honour, and Security of the Nation depends; and therefore his Majesty doubts not you will see Justice done towards them with Favour.*

*My Lords and Gentlemen, You are now the great Physicians of the Kingdom, and God knows you have many wayward, and forward, and distempered Patients; Patients who are in truth very Sick, and Patients who think themselves sicker than they are; and some who think themselves in health, and are most sick of all. You must therefore use all the Diligence, and Patience, and Compassion, which good Physicians have for their Patients; all the Chearfulness, and Complacency, and Indulgence, their several Habits, and Constitutions, and Distempers of Body and Mind may require: Be not too Melancholick with your Patients, nor suffer them to be too Melancholick, by believing that every*

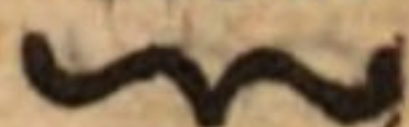
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ry little Distemper will presently turn to a  
violent Feaver, and that Feaver will present-  
ly turn to the Plague; that every little tref-  
pass, every little swerving from the known  
Rule, must insensibly grow to a neglect of the  
Law, and that neglect as insensibly introduce  
an absolute Confusion; that every little dif-  
ference in Opinion or Practice, in Consci-  
ence and Religion, must presently destroy  
Conscience and Religion. Be not too severe and  
rough towards your Patients in prescribing  
Remedies, how well compounded soever, too  
nauseous and offensive to their Stomachs and  
Appetite, or to their very Fancy; allay and  
correct those Humours which corrupt their  
Stomachs and their Appetites: If the good  
old known tried Laws be for the present too  
heavy for their Necks, which have been so  
many Years without any Yoke at all, make  
a Temporary Provision of an easier and a light-  
er Yoke, till by living in a wholesome Air,  
by the Benefit of a soberer Conversation, by  
keeping a better Diet, by the Experience of  
a good and just Government, they recover  
Strength enough to bear, and Discretion e-  
nough to discern the Benefit and the Ease of  
those Laws they disliked. If the present Oaths  
have any Terms or Expressions in them, that  
a tender Conscience honestly makes scruple  
of submitting to, in God's Name, let other  
Oaths be formed in their Places, as compre-  
hensive of all those Obligations which the  
Policy of Government must exact; but still  
let there be a Yoke, let there be an Oath, let  
there be some Law that may be the Rule to  
that Indulgence, that under pretence of Li-  
berty of Conscience Men may not be absolved  
from all the Obligations of Law and Conscience.



1661.



' I have besought your good Nature and In-  
 ' duldge towards some of your weak Pati-  
 ' ents, if by it they can be brought to follow  
 ' and submit to your Prescriptions for their  
 ' Health ; nor is it reasonable to imagine that  
 ' the Distempers of Twenty Years can be recti-  
 ' fied and subdued in Twelve Months ; there  
 ' must be a natural Time, and Natural Appli-  
 ' cations allowed for it : But there are a Sort  
 ' of your Patients that I must recommend to  
 ' your utmost Vigilance, utmost Severity, and  
 ' to no Part of your Lenity or Induldge ; such  
 ' who are so far from valuing your Prescripti-  
 ' ons, that they look not upon you as their  
 ' Physicians, but their Patients ; such who in-  
 ' stead of repenting any thing that they have  
 ' done amiss, repeat every Day the same Crimes,  
 ' for the Indempnity whereof the Act of Ob-  
 ' livion was provided. These are Seditious  
 ' Preachers, who cannot be contented to be dis-  
 ' penced with for their full Obedience to some  
 ' Laws Establisht, without reproaching and in-  
 ' veighing against those Laws how establisht  
 ' soever ; who tell their Auditories, that the Apo-  
 ' stle meant when he bid them stand to their Li-  
 ' berties, that they should stand to their Arms, and  
 ' who by repeating the very Expressions, and teach-  
 ' ing the very Doctrine they set on Foot in the  
 ' Year 1640, sufficiently declare that they have  
 ' no Mind that Twenty Years should put an End  
 ' to the Miseries we have undergone.

' WHAT good Christian can think with-  
 ' out Horrour of these Ministers of the Gospel,  
 ' who by their Function should be Messengers  
 ' of Peace, and are in their Practice the only  
 ' Trumpets of War, and Incendiaries towards  
 ' Rebellion ? How much more Christian was  
 ' that *Athenian Nun* in *Plutarch*, and how shall  
 ' she rise up in Judgment against these Men, who  
 ' when



when *Alcibiades* was Condemned by the Publick Justice of the State, and a Decree made that the Religious, the Priests and the Nuns, should Revile and Curse him, stoutly refused to perform that Office, saying, that she was professed Religious, to Pray and to Bless, not to Curse and Ban. And if the Person and Place can improve and aggravate the Offence, as no doubt it doth, both before God and Man, methinks the Preaching Rebellion and Treason out of the Pulpit should be as much worse than the advancing it in the Market; as poisoning a Man at the Communion would be worse then killing him at a Tavern; and it may be in the Catalogue of those Sins which the Zeal of some Men declares to be against the Holy Ghost; there may not be any one more reasonably thought to be such, a Minister of Christ's turning Rebel against his Prince, which is a most notorious Apostacy from his Order, and his Preaching Rebellion to the People as the Doctrine of Christ, adding Blasphemy and Pertinacy to his Apostacy, hath all the Marks by which good Men are taught to know and avoid that Sin against the Holy Ghost: If you do not provide for the thorough quenching these Firebrands, King, Lords and Commons, shall be their meanest Subjects, and the whole Kingdom kindled into one general Flame.

MY Lords and Gentlemen, When the King spake last in this Place before this Day, he said, when he should call the next Parliament he should receive their Thanks for what he had done since he had dissolved the last; for he said he should not more propose any one Rule to himself in his Actions or his Councils than this: *What is a Parliament like to*  
*think*



1661. *think of this Action, or of that Council? And*  
*that it should be want of Understanding in him*  
*if it would not bear that Test: He told you but*  
*now that he values himself much upon keep-*  
*ing his Word, upon performing all that he*  
*promises to his People; and he hath the*  
*worst Luck in the World if he hath not com-*  
*plied with this Promise, and if his Under-*  
*standing hath failed him in it. It was in a*  
*very little time after the Dissolution of that*  
*Parliament, his Majesty giving himself a few*  
*Days to accompany his Royal Mother to the*  
*Sea-side, (the only time he hath slept out of*  
*this Town near this Twelve Months,) that the*  
*most desperate and prodigious Rebellion*  
*brake out in this City that hath been heard*  
*of in any Age, which continued Two or Three*  
*Nights together, with the Murder of several*  
*honest Citizens. Let no Man undervalue the*  
*Treason because of the Contemptibleness of the*  
*Number engaged in it; no Man knows the*  
*Number, but by the Multitude of the inter-*  
*cepted Letters from and to all the Counties*  
*of England, in which the time was set down*  
*wherein the Work of the Lord was to be done;*  
*by the desperate Carriage of the Traitors*  
*themselves, and their bragging of their Friends,*  
*we may conclude the Combination reached*  
*very far, and in truth we may reasonably*  
*believe, that if the undaunted Courage and*  
*indefatigable Industry of the Lord Mayor of*  
*London, who deserves to be mentioned before*  
*King, Lords and Commons, and to be esteem-*  
*ed by them, had not prevented it, I say it*  
*is probable this Fury would not have been*  
*extinguished, before this Famous City, or a*  
*great part of it, had been burned to Ashes. If*  
*you enquire what the King did upon this un-*  
*heard.*



1661.

‘ heard-of Provocation, what Vengeance he  
‘ took upon those whose professed and avowed  
‘ Principle was not to distinguish between him  
‘ and another Man, nay, to kill him sooner than  
‘ any other Man, you will find, as was said of  
‘ *Cæsar*, that *Libentius vitam victor jam daret,*  
‘ *quam victi acciperent*: That his Mercy hath  
‘ been no less Obstinate than their Malice and  
‘ Wickedness; that few Persons have suffered;  
‘ and that he hath restrained the Law from  
‘ being severe to many, who at the same time  
‘ continue their Guilt, and undervalue his  
‘ Compassion; that there hath not been a Week  
‘ since that time in which there have not been  
‘ Combinations and Conspiracies formed against  
‘ his Person, and against the Peace of the King-  
‘ dom, which before this time would have ta-  
‘ ken effect, if God had not put it into the  
‘ Hearts of some who were trusted in the  
‘ Councils to discover the Designs time enough  
‘ for Prevention, and upon all these Alarms,  
‘ and the Interception of such Letters, as would  
‘ in all other Countries have produced the  
‘ Rack for further Discoveries, and under the  
‘ late Government in this would have erected  
‘ High Courts of Justice for their Punishment,  
‘ he hath left the Offenders to his Judges of  
‘ the Law, and those Judges to the precise  
‘ Forms, and ordinary Rules of the Law.

‘ *MY Lords and Gentlemen*, If the new  
‘ Licence and Corruption of this Time hath  
‘ exceeded the Wickedness of former Ages,  
‘ that the Old Laws have not enough provided  
‘ for the Punishment of Wickedness, they  
‘ could not Foresee or Imagine it will become  
‘ your Wisdoms to provide New Remedies for  
‘ new Diseases, and to secure the Precious Per-  
‘ son of our Dear Sovereign from the first  
‘ Approaches



1660.



Approaches of Villany, and the Peace of the Kingdom from the first Overtures of Sedition: If you will not provide Laws to do it, the King will not do any thing extraordinary, even towards his own Preservation.

YOU see the Rule by which he hath walked, and as he hath made good his Promise to you, so I doubt not you will make good his Prophecy, and that he shall receive Thanks for what he hath done since he was last here. He hath told you now what he hath done, That he is resolved to Marry, and resolved whom to Marry; which, I believe, is the most grateful News that the whole Kingdom hath longed for, or could receive from the first Day of his Landing here; and when they shall know the great Deliberation he hath used before that Resolution, and the Circumstances in resolving it, they will surely have Cause to confess, that never King in the Disposal of himself in Marriage took so great Care for the Good and Felicity of his People. Within a very short time after his Landing in this Kingdom he was moved by the Ambassador of *Portugal* to renew a Treaty lately made between that Crown and the Usurper; a Treaty in very many respects the most Advantageous to this Nation that ever was entered into with any Prince or People; a Treaty by which at this time that Crown is paying the Penalty (which the Usurper exacted from it) for the most Heroick and Noble Act of Honour and Friendship performed by that King to our Master, that ever was performed by any Prince towards another Prince in Distress; and yet the King was nothing forward to ratifie this Treaty, though it is very true every Article in it but one was entirely for the Benefit of this Nation, for  
the



the extraordinary Advancement of Trade, for the Good of Religion, and for the Honour of the Crown; yet there is One, One single Article that must oblige the King, as it did oblige the Usurper, to supply *Portugal* with an Army for his Assistance when he should require it; that is, That *Portugal* should have Power to make Levies of Ten Thousand Men for their Service: This the King foresaw might produce a War with *Spain*, which he was very unwilling to undergo that Engagement; and yet his Council represented unto him how Heart-breaking a Thing it would be to his People to lose the Possession of so great a Trade, and those other immense Advantages they had by that Treaty: And that it would be judged an irrecoverable Errour in Policy if *Portugal* should be suffered again to be swallowed up by *Spain*. However, the King was resolved not precipitately to engage himself in such a Treaty as might be attended with such an Inconvenience, but to take time fully to consider of it; and this Delay the *Portugal* could not be pleased with, and so the Ambassador returned Home to his Master.

ABOUT this time the House of Commons sent up a Bill to the Lords for the annexing *Dunkirk* and *Jamaica* to the Crown of *England*; which seemed to have the most universal Consent and Approbation from the whole Nation that ever any Bill could be attended with; yet the same Consideration which retarded the Treaty with *Portugal* made the King less warm towards the advancing of that Bill: And the *Spanish* Ambassador was as sollicitous to obstruct it, as he hath been since to obstruct the Match with *Portugal*.



1661.



gal. This being the Case, and the *Portugal*  
Ambassador returning with such Particular  
Overtures to the King for a Marriage with  
the Daughter of that Crown, that both in re-  
spect of Portion, and many other transcendent  
Advantages for the Advancement of the  
Trade and Empire of this Kingdom, the  
like hath not been offered in this Age: And  
his Majesty having received as full Informati-  
on and Satisfaction in the Beauty and Excel-  
lency of that Renowned Princess as can be  
had without a Personal Interview, (a Circum-  
stance very rarely admitted to Princes,) it was  
not in his Majesty's Power to be without  
some Approbation and Inclination to this Al-  
liance: Yet even then he would not trust him-  
self in this great Affair, which so nearly and  
so dearly concern'd himself, and himself above  
all others; though the Benefit and Advantage  
could but appear the same upon further Con-  
sultation, yet there might possibly be some  
Mischiefs or some Inconveniences discerned  
which he had not foreseen: He resolves there-  
fore to call his Council, tells them some  
Days before that he had an Affair of great  
Importance to impart to them, and to receive  
their Advice in, and therefore appointed an  
extraordinary Day, that they might all ap-  
pear, (and truly I think there was but one  
Lord absent who was then indispos'd in his  
Health :) In this Council he stated the whole  
Matter, all that was offered of Benefit and  
Advantage, all that occur'd of Hazard or In-  
convenience, without the least Discovery of  
his own Inclinations further than that you  
would have believed he had seen the Picture  
of his Mistress, it having been a Speech he  
hath



‘ hath often accustomed himself to, That he 1661.  
‘ would not Marry a Woman he had not some  
‘ Reason to believe he could love though she  
‘ could bring him the Empire of the World.  
‘ He did not conceal from my Lords what the  
‘ *Spanish* Ambassador had offered against this  
‘ Marriage, (who is not over-reserved in giv-  
‘ ing Counsel, nor in communicating the Coun-  
‘ sel he gives,) what Profers he had made of  
‘ others, what Threats of War in one Case,  
‘ what Advantage of Dowry in another; that  
‘ he is so sollicitous for the Advancement of  
‘ the Protestant Religion, that he had offered  
‘ several Protestant Princesses, to whom his  
‘ Master shall give a Portion, as with the  
‘ *Infanta* of *Spain*: And truly less than the Uni-  
‘ versal Monarch could not dispose of so many  
‘ Princesses, without the least Consent or Pri-  
‘ vity of their own. His Majesty commanded  
‘ all my Lords to deliver their Counsel and  
‘ Advice freely, upon a full Prospect of what  
‘ might appear Good and Happy for his Peo-  
‘ ple, as well as for himself: Assuring them,  
‘ as he hath done you now this Day, That as  
‘ He never did, so he never will do any Thing  
‘ of great Importance without consulting with  
‘ them. You will believe that my Lords of  
‘ the Council are sollicitous enough for the  
‘ Advancement of the Protestant Religion, upon  
‘ which the Welfare of this Kingdom so much  
‘ depends: But they were very apprehensive  
‘ that the first Protestant Daughter that ever  
‘ any King of *Spain* had would not probably  
‘ bring so great Advantages to it as was pre-  
‘ tended.

THEY



1661.

THEY have no mind to encourage the King to a War, we have had War enough; but they do not think he should so much fear a War, as out of the Dread of it to be at the Disposal of any other Prince; and that when he hath freed his own Subjects from Wardships, and from Liveries, that he should himself become a Ward to the King of Spain, and not Marry without his Approbation and Consent. They observed, that in the same Memorials (I do not mean that which he last Printed, but a former,) in which the Spanish Ambassador threatens War if the King Marries with Portugal; he presseth very earnestly the Delivering up of *Dunkirk* and *Jamaica*; and it is plain enough he would have that Recompence for the Portion he would give; and in truth whoever is against the Match with Portugal, is for the Delivery of *Dunkirk* and *Jamaica*, a War being as sure to follow from the latter, as from the former, and from neither, till the King of Spain finds it convenient for himself, which I hope he will not yet do. I will not enlarge upon the many Reasons, the King had told you the Conclusion. There was never a more unanimous Advice from any Council, not one Dissenting Voice, in the beseeching his Majesty to make this Marriage, and to finish it with all the Expedition imaginable. Upon this he sent for the Portugal Ambassador, declared his Resolution to him, hath writ himself to Portugal, and is preparing his Fleet to fetch Home our Queen. And I hope now he hath deserved all your Thanks, both for the Matter and the Manner; and that not only our selves, but the Ages that are to succeed us, shall have Cause to Bless God and his Majesty,



‘ Majesty for this Resolution that he hath taken, and that he hath declared to us this Day, and hath reserved for this Day, having obliged his Council to Secrecy, that he might himself communicate it to his whole Kingdom at once.

‘ T H E R E are some other Particulars of Weight, but he will not mingle them with this great important one, which must so much fill your Hearts and your Heads, but will reserve them till he sees you again, after you have chosen your *Speaker*, which he now leaves you to do, and to repair to your House for that Purpose, that you may present your *Speaker* unto him at Four of the Clock upon Friday.

T H E Chancellor having ended, and the Commons returned to their House, chose Sir *Edward Turner* to be their *Speaker*, a Person acceptable enough to the Chancellor, as well as to the Generality of the Court: He told his Majesty upon his being Presented, that the House had been pleased, he durst not say to Chuse, but to Name him to be their *Speaker*.

T H A T it was an undoubted Priviledge of every Member in that House to be heard to speak, much more when he spoke for or against himself. But that whether more out of Favour to him, or Injury to themselves, he could not tell, they were not pleased to hear, at least they would not accept his just Apology and Excuse from that Service.

T H A T therefore from this their Judgment, if he must call it so, he did most humbly appeal to his Sovereign Justice, beseeching his Majesty for the Errors that were too visible



1661. and apparent in their Proceedings, that he would review and reverse the same.

T H A T his Inexperience in the Customs and Orders of the House, his Inability to collect their Sense, and state the Questions rising upon long and arduous Debates, did justly render him unfit, and therefore unworthy of that weighty Imployment.

T H A T his Majesty well knew when a Ship puts out to Sea she should be provided with Mariners of all Sorts: In case a Storm did arise, some must trim and lore the Sails, some must watch aloft the Decks, some must work at the Pump; but that he had need be a very good Seaman that was the Pilot. That he hoped he might be useful to that his Sovereign Vessel in some of those Inferior Places, but he durst not undertake to be their Steersman.

T H A T he did therefore most humbly beseech his Majesty that he would not take them at their first Word; that second Thoughts were best: He pray'd therefore he would be pleased to command the Members of the House of Commons to return into their House, to recollect themselves, and to present his Majesty with a better Choice.

T H E Chancellor, whose Place it was to Answer for the King upon such Occasions, replied thus.

Mr. Speaker,

*Y O U have not discredited your self enough to perswade the King to dissent from his House of Commons in the Election they have made if he had never seen you before: You have now spoke too well against your self for his Majesty*



*to suspect you are no good Speaker. But you have the Honour to be well known to the King, have spoken very often before him, and his Majesty well knows that you are not without any of those Parts of knowing the Orders of the House, where you have sate long, or collecting and stating, and putting the Questions aptly, which must constitute a right good Speaker.*

**THEREFORE** His Majesty is so far from thinking the House hath made an ill Choice, that he believes they could not have made a better; or from admitting your Excuse, that he confirms their Election, and thanks them very heartily for making it; and requires you to submit to it, and to betake your self with all Alacrity to the Service.

**HAVING** proceeded thus far, it will be necessary to give the Substance of the Speaker's Rejoinder, which in itself is not Contemptible; the better to introduce the Lord Chancellor's Answer, he began with this Text of Scripture.

*HE that knows his Master's Will, and doth it not, is worthy to be beaten with many Stripes;* he said he should therefore humbly and cheerfully, to the best of his poor Skill and Knowledge, apply himself to the Performance of his Duty, not doubting therein to obtain his Majesties Gracious Pardon for all involuntary Transgressions; for it was a Rule in Law, and in Conscience too, *Actus non facit reum, nisi mens sit rea.* That since he had found that Favour in the sight of his Lord the King, he prayed he might beg his Majesties Patience for a while to make a Stand; and from that Place



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to look about him: That a weak Head was soon giddy, but that the strongest Brain might here be turned; that the Presence of that Glory, and the Glory of that Presence, transported him: That whilst he contemplated the incomparable Beauty of that Body Politick, and the goodly Order of that High Court of Parliament, where at once he beheld all the Glory of this Nation, he was almost in the Condition of *St. Paul*, when he was taken up into the Third Heaven; that all he could say upon his Return was, *He saw things unutterable.*

T H A T God who had made all things for the use of Man, and made him Governour over all his Works, thought it not fit to leave him to himself, nor to live without a Law and Government. That the Forms and Species of Government are various, *Monarchical, Aristocratical, and Democratical*; but that the first was certainly the best, as being nearest to Divinity itself. That *Aristocracy* was subject to Degenerate, and run into Faction; but that *Democracy* naturally ran into Confusion: That then every Man became a Tyrant over his Neighbour; *Homo Homini Lupus: Homo Homini Demon.*

T H A T this Famous Island was first Inhabited by the *Britains*, then by the *Romans*, then by the *Saxons*, then by the *Danes*, lastly by the *Normans*; and that during all these Successions of Ages, and Variety of Changes, though there was sometimes *Divisum Imperium*, yet every Division was happy under a *Monarchical Government*. That since the Entrance of the *Norman Race*, Five and Twenty Kings and Queens, Famous in their Generations, from whom his Sacred Majesty was lineally descended,



ed, had swayed the Royal Scepter of this Nation. 1661.

T H A T the Children of *Israel* when they were in the Wilderness, though they were fed with God's own Hand, and ate the Food of Angels, yet they surfeited, and murmured, and rebelled against *Moses*. That the same unthankful Spirit dwelt in this Nation for divers Years last past; the Men of that Age were weary of the Government, though it was refined, to the Wonder and Envy of all other Nations: That they quarrelled with our *Moses* because he was the Lord's Anointed: *Nolumus hunc regnare* was their first Quarrel; but levelling Parity and Confusion followed; and that then Tyranny and Usurpation was the Conclusion.

T H A T they read, the Emperor *Adrian*, when he lay a dying, complained that many Physicians had destroyed him; meaning, that their contrary Conceits and different Directions for his Recovery had hastned his Death. That so it was with us; we were sick of *Reformation*; our Reformers were of all Ages, Sexes, and Degrees, of all Professions and Trades: The very *Cobler* went beyond his Last; that these new *Statesmen* took upon them to Regulate and Govern our Governours: That this was the Sicknes and Plague of the Nation, that their new Laws were all written in Bloody Letters; the cruelty of their Tribunals made the *Judgment-Seat* little differ from a *Slaughter-House*; that the Rich Man was made an Offender for a Word; that Poor Men were sold for Slaves, as the *Turks* sell Heads, Twenty for an *Asper*: And that yet for all this Villany there was at length found a Protector.



1661.

THAT no Amendment at length would serve these *Reformers* Turns; no Concessions, though the most Gracious that could be imagined, would satisfy these Usurpers; but *Root and Branch*, all must go: That our late Sovereign Lord must be offered up a Sacrifice to their Lusts: That his Majesties Sacred Person was proscribed, and all the Royal Family exiled: That Monarchy itself was voted Burthensome, and therefore they must try a Commonwealth; and the better to digest it, the People were intoxicated with a Belief that they should all like themselves be Princes in their Turns.

THAT amongst the *Persians*, after the Death of their Governour, there was used to be *ἀνομία πέντε ἡμερῶν*, a Five Days Lawlessness, in which time every Man might do what he listed. Thus during those Five Days there was such Killing, Robbing and Destroying one another, that before they were ended the People longed again for their Old Government.

THAT after the Death of his Majesties most Royal Father here was the like Licentiousness; but that alas it continued more than Twice Five Years: *Liberty* they called it, but it was *Libertas quidlibet audendi*. That his Loyal Subjects were a Prey to Wolves and Tigers, and to the most cruel of all Beasts, unreasonable Men: That every Man did what seemed good in his own Eyes, for in those Days there was no King in our *Israel*.

BUT that as the former *Spirit of Reformation* at first brought us into this Misery; so the *Spirit of Giddiness* which God sent amongst our *Reformers* at length cured us. That the *Brazen Serpent* was the best Cure for those that were bitten by the *Fiery Serpent*. That the Divisions and Subdivisions of those that  
ex-



exercised Dominion over us, weakned their own Power, and stirred up the Hearts and strengthened the Hands of his Loyal Subjects, to restore our Ancient Government, and to bring his Majesty back to his Royal Throne in Peace, as to the Joy of all our Hearts they saw it was that Day. 1661.

**T H A T** this was the Work of God alone, and it was admirable in our Eyes. And as they have Cause at all times to bless God that he had thus brought his Majesty to his People; so they had just Cause at that time to return their hearty Thanks unto his Majesty, that he had thus brought his People to himself.

**T H A T** the Sun exhales the Vapours from the Earth, and then sends them down in Showers of Plenty; that so they to their great Joy did find that their Obedience and Affection to his Majesty were returned upon their Heads in Plenty, Peace and Protection.

**T H A T** the last Meeting here in Parliament was happy in healing the bleeding Wounds of the Nation; that they were blessed also, even for their Works sake; his Majesty did bless them, and therefore they should be blessed to all Posterity.

**B U T** that they hoped he had a Blessing left for them too: That that was his Parliament by Adoption, but this was his by Birthright; that this Parliament was Free-born: That he hoped this Honour would beget in them an Emulation to exceed the Actions of their Predecessors; and not only to meet his Majesty as their Sovereign with the Duty of Subjects, but with the Love of Sons to a most Indulgent Father.

**T H A T** next to the Glory of his Majesties Royal Throne, he could not but observe



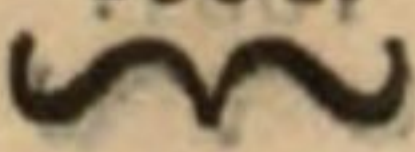
1661.

the Brightness of this ——— Second Orb; that this Firmament was richly deck'd with Stars of several Magnitudes; each Star appears like the Morning-Star, and yet each Star differs from another in Glory. That he could not want Commanders, either by Sea or Land, to manage his Designs, whilst all those Sons of *Mars* stood Candidates to serve him in the Wars. That he could not want Counsellors to advise him in the great Affairs of the Nation, whilst all these Senators, each fit to be a Consul, contend who shall most ease him in the Thorny Cares of the Government.

THAT amidst those Noble *English* Barons, and at his Majesties Feet, were placed the Reverend Judges of the Land, the Sages of the Law, Men so learned and expert in the Customs and Statutes of this Land, that if *Wat Tyler*, or *Jack Cade*, or the new Phanaticks of this latter Age, had burned our Books, they were able to restore our Laws in Purity and Perfection. And that next to these, though in a lower Orb, appeared the worthy Knights, the Prudent Citizens and Burgeesses of the House of Commons, being the Third Estate of Parliament.

THAT when the Fame of *Solomon's* Wisdom had filled the Neighbouring Nations, the Queen of *Sheba* could not contain herself at Home, but with many Camels laded with Spices, with Gold and Precious Stones in abundance, she comes to *Solomon* to commune with him of all that was in her Heart. That whilst this his Native Country was unworthy of him, Foreign Nations were made happy in the Knowledge of his Person, his Piety and Wisdom: And that now the Lord God had brought him



him Home, and set him on his Throne, his 1661.  
Subjects longed to see him. 

W H A T striving and rejoicing was there at his first Landing to see their Rising Sun?

W H A T striving was there at his Coronation to see the Imperial Crown set upon his Royal Head? What striving had there lately been in all the Counties, Cities, and Burroughs of this Nation, who should be sent up to hear his Wisdom, and to confer with him in Parliament?

T H A T these chosen Worthy Messengers were not come empty-handed, they were laden; they were sent up to him heavy-laden from their several Counties, Cities, and Burroughs. That if the Affections of all *English* Men could make him Happy; if the Riches of the Nation could make him Great, if the Strength of his Warlike People could make him Considerable at Home and Abroad, he might be assured he was the greatest Monarch in the World. He desired Leave to double his Words, and say it again; wish'd his Voice could reach to *Spain*, and to the *Indies* too, that he was the greatest Monarch in the World.

T H A T he was afraid his Royal Patience might be tired, he would therefore no more speak his own Words, but in the Name of the Commons of *England*, humbly present unto his Majesty their accustomed Petitions, when first they were Assembled in Parliament, and so conclude.

I. FIRST he beseeched his Majesty, that for their better Attendance on the Important Service of the House, themselves, and their necessary



1661.  fary Servants, might be free in their Persons and Estates from all Arrests and Troubles.

2. THAT Debates and Disputes being necessary to the Disquisition of many Matters in the House, his Majesty would be pleased to vouchsafe them Liberty and Freedom of Speech; which he doubted not they should use with Loyalty and Sobriety.

3. THAT if the great Affairs required it, his Majesty, upon their Humble Suit, would vouchsafe them Access to his Royal Person.

4. THAT the Proceedings of the House might receive a benign Interpretation, and be free at all times from Misconstructions.

THE Speaker having thus concluded, the Chancellor took the Word, and delivered himself to this Effect.

Mr Speaker,

THE King is well pleased with your Obedience, and that you have so cheerfully submitted to undergo that Province the House of Commons hath designed you to: He promises himself, and the Kingdom, as great Fruit and Benefit from your Joint Services, as ever any of his Progenitors received from a Speaker, and a House of Commons. The King did his Part, by publishing the very Day he intended the Parliament should meet, a good time before the Writs were sealed, by sending out the Writs much longer than was necessary before the Day of Meeting, that the Country might not be surprized in their Elections, but that they might send up such a Representative unto him as he might make a clear view and prospect of the Affections and Desires of his People: And he is persuaded, that the Commons of England were never more exactly represented, than they are at present in you, the Knights, Citizens, and Burgeses; and yet



yet I have a very particular Command from his Majesty to tell you, which in Truth he meant to have said to you himself the other Day, and which he Hopes you will not take ill in Point of Priviledge, that his Majesty takes Notice, indeed he cannot chuse but take Notice, of one ill Circumstance in many Elections, which he imputes rather to the Vice of these Times, a Vice worthy your Severity, than to any corrupt Intention, that is, Excess of Drinking, which produceth that other Scandalous Excess in the Expence: His Majesty doth very heartily recommend it to your Wisdom, for the Honour and Dignity of Parliaments, that you will take some Course to prevent this Inconvenience for the future; and if you think fit to call for any help from Him towards it you will be sure to have it. 1661.

YOU have made, Mr. Speaker, a very lively description of the extravagancy of that Confusion which the Poor Nation groaned under, when they would throw off a Government they had lived and prospered under so many Ages, indeed from the time of being a Nation, and which is as natural to them as their Food or their Raiment, to model a new One for themselves, which they knew no more how to do, than the naked Indians know how to dress themselves in the French Fashion; when (as you say) all Ages, Sexes and Degrees, all Professions and Trades, would become Reformers; when the Common People of England would represent the Commons of England, and abject Men, who could neither Write nor Read, would make Laws for the Government of the Heroick and the most Learned Nation in the World: For sure none of our Neighbours will deny it to have a full Excellency and Perfection, both in Arms and Letters; and



1661. and it was the grossest and most Ridiculous Pageant that great Imposter ever exposed to publick View, when he gave up the Nation to be disposed of by a handful of Poor Mechanick Persons, who finding they knew not what to do with it, would (he was sure) give it back to him again, as they shortly did, which makes his Title compleat to the Government he meant to exercise. No Man Undervalues the Common People of England, who are in Truth the best and the honestest, yea, and the wisest Common People in the World, when he says they are not fit to Model the Government they are to live under, or to make the Laws they are to obey. Solomon tells us, there is a time when one Man Rules over another to his own hurt; we have had abundant Instances of such a time. It is the Priviledge, if you please the Prerogative, (and it is a great one,) of the Common People of England to be represented by the Greatest and Learnedest, Wealthiest and Wisest Persons that can be chose out of the Nation; and the confounding the Commons of England, which is that Noble Representative, with the Common People of England, was the first Ingredient into that Accursed Dose, which intoxicated the Brains of Men with that Imagination of a Commonwealth, a Commonwealth, Mr. Speaker, a Government as impossible for the Spirit, and Temper, and Genius of the English Nation to submit to, as it is to persuade them to give their Cattle and their Corn to other Men, to live themselves upon Herbs and Roots. I wish heartily, that they who have been most delighted with that Imagination, knew in Truth the great Benefit under that Government. There is no Commonwealth in Europe, where every Man that is worth One Thousand Pounds doth not pay more to the Government than



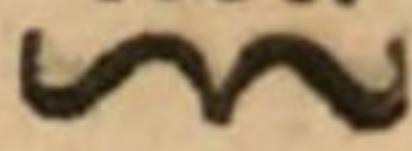
than a Man of a Thousand Pounds a Year did ever to the Crown here before those Troubles. 1661.  
 And I am perswaded that MonsterCommonwealth cost this Nation more in the few Years she was begot, born, and brought up, and in her Funeral, (which was the best Expende of all,) than the Monarchy hath done these Six Hundred Years.

YOU have done well, Mr. Speaker, in taking Notice of the great Esteem the King hath of the Memory of the last Parliament; he takes all Occasions himself to do it, and it deserved it at his Hands. But as the wisest Father takes Joy in the Hopes his Heir will be wiser than he, and the greatest Monarch in the Hopes that his Successor will be greater than he: And if the Souls departed feel any Joy upon what is done in this World, it is in the Case of such an Heir, such a Successor; so you may be confident the Ghost of the deceased Parliament will be much exalted to see your Actions excel theirs, and your Fame exceed theirs. It was a blessed Parliament, but there are other and greater Blessings reserved for you. They began many things, which you may have the Happiness to finish; they had not Time nor Opportunity to begin many Things, which you may have the Honour to begin and finish: They invited His Majesty home, restored him to his Throne, and Monarchy to the Nation. It will be your Glory so to establish him in his Power and Greatness; so to annex Monarchy to the Nation, that He nor His Posterity shall be ever again forced to be abroad, that they be invited home, nor in danger to be restored: So to River Monarchy to the Hearts, and to the Understandings of all Men, that no Man may ever presume to conspire against it. Let it not suffice that we have our King again, and our  
 Laws



1661. *Laws again, and Parliaments again; but let us so provide, that neither King, nor Laws, nor Parliaments, may be so used again. Let not our Monarch be undermined by a Fifth Monarchy, nor Men suffered to have the Protection of a Government they profess to hate; root out all Anti-Monarchical Principles at least; let not the same Stratagems prevail against us: Let us remember how we were deceived, and let not the same Artifices over-reach us again: Let King, and Church, and Country, receive more and greater Advantages by the Wisdom and Industry of this Parliament: Let Trade abroad and at home be encouraged and enlarged, all Vices and Excesses be restrained and abolished, by new Laws and Provisions: Let profitable Arts and Industry find so great Encouragement, that all thriving Inventions may be brought from all Parts of the World to enrich this Kingdom, and that the Inventers may grow rich in this Kingdom. And upon this Argument of encouraging Industry, I have a Command from the King to recommend to you the Encouragement or Preservation of a great Work of Industry, in which the Honour and Interest of the Nation is more concerned then in any Work this Age hath brought out, it may be in any Nation; and that is, all the Drainings in England which have given us new Countries upon our own Continent, and brought an inestimable Benefit to King and People by an Art of Creation, making Earth and mending Air by Wit and Industry: Let no Waywardness in particular Persons, or Consideration of Private and Particular Advantage, give disturbance to Works of so publick a Nature, much less destroy such Works, but provide out of Hand for the upholding and supporting them by some good Law, in which*



which, due Care may be taken for all particular Interests when the Publick is out of danger. 1661. 

I Have but one desire more, Mr. Speaker, to make to you from the King, which the Season of the Year, as well as your Inclinations to gratifie him, will dispose you to, and that is, that you will use such Expedition in your Counsels of most Importance, that the rest may be left to a Recess in the Winter after an Adjournment, that his Majesty may have a time to bestow himself upon his Subjects in a Progress, which he would be glad to begin before the end of July: I have leave to tell you the Progress he intends, that he Desires again to see his good City of Worcester, and to thank God for his Deliverance there, and to thank God even in those Cottages, and Barns, and Haylofts, in which he was sheltered, and fostered, and preserved; and in the close of that Progress he hopes he shall find his Queen in his Arms, and so return to meet you here in the beginning of Winter.

MR. Speaker, all your Petitions are very grateful to the King; you and your Servants in your Persons and Estates are free from all Arrests or Molestations; your Liberty and Freedom of Speech is very willingly granted to you; when you would repair to his Majesty you shall be welcome; and his Majesty will be so far from any Jealousie of your Actions, that he believes it is impossible for him to be Jealous of you, or you of him; and if you please, he will make it penal to nourish that unwholesome Weed in any part of the Kingdom.

THE intended Marriage of the King having been communicated to the Parliament, as above-mentioned, whatever has been thought since of the Lord Chancellor in respect to that Match with Portugal, the Parliament now with a Joint Vote  
ex-



1661. expressed their humble Acknowledgments to his Majesty for his Gracious and Free Communication of his Resolution to Marry with the *Infanta of Portugal*; that they received it with great Joy and Satisfaction, with all Earnestness begged a Blessing upon it, and a speedy Accomplishment of it; and that they would upon all Occasions be assistant to his Majesty, in pursuance of those his Intentions against all Oppositions whatsoever. The Proceedings of this Session of Parliament, the celebrating of the Royal Nuptials, and other Incidences, that have no Mediate or Immediate Relation to the Chancellor's Life and Actions, shall have no Room in this Place. But whatever has been spoken by him as a Statesman and in Publick, ought by no means to be omitted, since all his Harangues have so much Weight, Solidity and Judgment in them, and are so difficult to be met with anywhere else, and therefore let us hasten to the 19th of May 1662, at which time the Parliament being to be Prorogued.

HIS Majesty was pleas'd to tell them, he thought there had been very few Sessions of Parliament in which there had been so many Bills as he had passed that Day: That he was confident never so many Private Bills, which he hoped they would not draw into Example. That it was true, those late ill Times had driven Men into great Streights, and might have obliged them to make Conveyances colourably to avoid Inconveniences, and yet not afterwards to be avoided; and that Men had gotten Estates by new and greater Frauds than had been heretofore practised; and that therefore in that Conjunction extraordinary Remedies might be necessary, which had induced him to comply with their Advice in passing these Bills; but he pray'd that this might be



be very rarely done hereafter: That the good 1662.  
 old Rules of the Law were the best Security;  
 and that they should not let Men have too much  
 cause to fear, that the Settlements they made  
 of their Estates should be too easily unsettled  
 when they were dead by the Power of Parlia-  
 ments.

HAVING as it were premised this, he proceed-  
 ed, and said, that they had so much obliged him,  
 not only in the Matter of those Bills which  
 concerned his Revenue, but in the manner of pas-  
 sing them, with so great Affection and Kindness  
 to him, that he knew not how to thank them  
 enough. He did assure them, and he pray'd them  
 to assure their Friends in the Country, that he  
 would apply all they had given him to the ut-  
 most Improvement of the Peace and Happiness  
 of the Kingdom, and would with the best Ad-  
 vice and good Husbandry he could bring his  
 Expences within a narrower Compass. That  
 since now he was speaking to them of his own  
 good Husbandry, he must tell them that would  
 not be enough; that he could but observe to them  
 that the whole Nation seem'd to him a little cor-  
 rupted in their Excess of Living. That surely  
 all Men spent much more in their Cloaths, in their  
 Diet, in all their Expences, than they had used  
 to do. That he hoped it had only been the Ex-  
 cess of Joy, after so long Sufferings, that had  
 transported them to these other Excesses; but  
 they were to take heed that the Continuance of  
 them did not indeed corrupt their Natures.  
 That he did believe he had been faulty that Way  
 himself; he promised them he would reform;  
 and if they would join with him in their several  
 Capacities, they should by their Examples do  
 more Good, both in City and Country than any  
 new Laws would do. He told them again, he  
 N would



1662. would do his part, and he would tell some of them if they did not do theirs. He hoped the Laws he had passed that Day would produce some Reformation with reference to the Multitude of Beggars and Poor People which infested the Kingdom; great Severity was to be used to those who loved Idleness, and refused to work, and great Care and Charity towards those who were willing to work. He very heartily recommended the Execution of those good Laws to their utmost diligence, and he was sure he needed not put them in mind so to settle the Militia, that all Seditious Insurrectionaries might not only be prevented, to which the Minds of too many were inclined, but that the People might be without reasonable Apprehension of such Insecurity. That they would easily believe, that it was very necessary for the Publick Justice of the Kingdom, and even for the Preservation of the Reverence due to Parliaments, that he should make that a Session; and it would be worthy of their Wisdoms when they came together again, to provide that there should not be so great Clamour against the Multitude of Protections.

Having concluded thus, and referred according to Custom what was farther to be said to the Chancellor, who 'tis to be presumed was the Dictator of both Speeches, he began thus.

*My Lords, and you the Knights, Citizens and Burgeses of the House of Commons.*

‘ IT is now little more than a Year that the  
 ‘ King first called you to attend him here, at  
 ‘ the opening of the Parliament: Then you  
 ‘ may remember he told you, that he thought  
 ‘ there were not many of you, who were not  
 ‘ particularly known to him; that there were  
 ‘ very



‘ very few of whom he had not heard so much  
 ‘ good, that he was (he said) as sure as he  
 ‘ could be of any thing that was to come, that  
 ‘ you would all concur with him, and that he  
 ‘ should concur with you in all things, which  
 ‘ might advance the Peace, Plenty, and Prof-  
 ‘ perity of the Nation. His Majesty said he  
 ‘ should be exceedingly deceived else.

‘ IT was a Princely Declaration, and a rare  
 ‘ Confidence, which could flow from no other  
 ‘ Fountain, but the Sincerity and Purity of his  
 ‘ own Conscience, which admitting no other  
 ‘ Designs or Thoughts into his Royal Breast,  
 ‘ but such as must tend to the unquestionable  
 ‘ Prosperity and Greatness of his People, could  
 ‘ not but be assured of your full Concurrence  
 ‘ and Co-operation with him. It was a happy  
 ‘ Omen, which at the Instant struck a Terror  
 ‘ into the Hearts of those who promised them-  
 ‘ selves some Advantages from the Differences  
 ‘ and Divisions in your Counsels, and hoped  
 ‘ from thence to create new Troubles and Mo-  
 ‘ lestations in the Kingdom; and, God be thank-  
 ‘ ed, the King hath been so far from being ex-  
 ‘ ceedingly deceived, that he doth acknowledge  
 ‘ he hath been exceedingly complied with, ex-  
 ‘ ceedingly gratified in all he hath desired, and  
 ‘ he hopes he hath not in the least Degree dis-  
 ‘ appointed your Expectation.

*Mr. Speaker, and you Gentlemen of the House  
 of Commons.*

‘ YOU have, like the Richest and the Noblest  
 ‘ Soil, a Soil Manured and Enriched by the  
 ‘ bountiful Hearts of the best Subjects in the  
 ‘ World, yielded the King Two full Harvests  
 ‘ in One Year; and therefore it is but good  
 ‘ Husbandry to lie fallow for some time: You



1662.

have not only supplied the Crown to a good  
 Degree for discharging many Debts and Pref-  
 sures, under which it even groaned, and en-  
 abled it to struggle with the present Streights  
 and Necessities, Debts not contracted, and Ne-  
 cessities not run into by Improvidence and  
 Excess; you may, when you please, receive  
 such an Account as will clear all such Re-  
 proaches: But you have wisely provided such  
 a constant growing Revenue, as may with  
 God's Blessing preserve the Crown from those  
 Scandalous Wants and Necessities, as have  
 heretofore exposed it and the Kingdom to  
 those dismal Miseries, from which they are  
 but even now buoyed up; for whatsoever o-  
 ther humane Causes may be assigned, accord-  
 ing to the several Fancies and Imaginations of  
 Men, of our late miserable Distractions, they  
 cannot be so reasonably imputed to any one  
 Cause, as to the extream Poverty of the  
 Crown: The Want of Power could never  
 have appear'd, if it had not been for the Want  
 of Money.

YOU have, *my Lords and Gentlemen*,  
 worthily provided for the Vindication and  
 Manifestation of the one by the Bill of the  
*Militia*, and for the supply of the other by  
 the Act for the Additional Revenue; and I  
 am confident, both the present and succeeding  
 Ages will bless God, and celebrate your Me-  
 mories for those Two Bills, as the Foundati-  
 tion of their Peace, Quiet and Security, how  
 froward and indisposed soever many are at  
 present, who finding such Obstructions laid  
 in their Way to Mutiny and Sedition, use all  
 the Artifice they can to perswade the People,  
 that you have not been sollicitous enough  
 for their Liberty, nor tenacious enough for  
 their



‘ their Profit, and Wickedly labour to lessen  
‘ that Reverence towards you, which sure was  
‘ never more due to any Parliament. 1662.

‘ I T was a very Natural and an Ingenious  
‘ Animadversion and Reflection, which the late  
‘ Incomparable Lord Viscount of *St. Albans*  
‘ made upon that old Fable of the Giants, who  
‘ were first overthrown in the War against the  
‘ Gods, when the Earth, their Mother, in Re-  
‘ venge thereof, brought forth *Fame*; which, he  
‘ said, is the same when Princes and Monarchs  
‘ have suppressed actual and open Rebellion,  
‘ then the Malignity of the People, the Mother  
‘ of Rebellion, doth bring forth Libels, Slan-  
‘ ders, and Taxation of the State. which he  
‘ says is of the same kind with Rebellion, but  
‘ more Feminine. And without doubt this  
‘ Seditious Daughter of the Earth, this Spirit  
‘ of Libelling, was never more pregnant than  
‘ it is now; nor King nor Parliament, nor  
‘ Church nor State, ever more exposed to those  
‘ *Flagella linguæ*, those Strokes of the Tongue,  
‘ from which God Almighty can only preserve  
‘ the most Innocent and most Excellent Persons;  
‘ as if Repining and Murmuring were the pe-  
‘ culiar Exercise of the Nation, to keep it in  
‘ Health; as if *England* had so much of the  
‘ Merchant, *Nunquam habendi fructu fœlix,*  
‘ *semper autem querendi cupiditate miserrima.*

‘ M E N are in no Degree disposed to imi-  
‘ tate, or remember the general excellent Tem-  
‘ per of the Time of *Queen Elizabeth*, the  
‘ Blessed Condescension and Resignation of the  
‘ People then to the Crown, the awful Re-  
‘ verence they then had to the Government, and  
‘ to the Governors, both in Church and  
‘ State. This good and happy Spirit was in



1662. a time beyond our Memory ; but they remember, as if it were but Yesterday, how few Subsidies Parliaments then gave to that Queen, how small Supplies the Crown then had from the People, and wonder that the same Measures should not still fill the Coffers, and give the same Reputation, and make the same Noise in Christendom.

BUT (*my Lords and Gentleman*) how, bold soever some unquiet Spirits are with you upon this Argument, you are much superior to those Reproaches. You know well, and you can make others know, without breaking the Act of Indemnity, how the Crown hath been since used, how our Sovereign Lord the King found it at his blessed Return to it ; you can tell the World, that as soon as he came hither, besides the infinite that he forgave more Money to the People, than he hath since received from them ; that at least Two Part of Three, that they have since given him, have issued for the disbanding Armies never raised by him, and for Payment of Fleets never sent out by him. You will put them in mind of the vast Disparity between the former Times, and these in which we live, and consequently of the Disproportion in the Expence the Crown is now at, for the Protection and Benefit of the Subject, to what it formerly underwent. How great a Difference there is in the present Greatness and Power of the Two Crowns, and what they were then possessed of, is evident to all Men ; and if the Greatness and Power of the Crown of *England* be not in some Proportion improved too, it may be liable to Inconveniencies it will not undergo alone. How our Neighbours and our Rivals, who court one and the same Mistress, Trade and Commerce,

with



‘ with all the World, are advanced in Ship-  
‘ ping, Power, and an immoderate Desire to  
‘ engross the whole Traffick of the Universe,  
‘ is Notorious enough, and this unruly Appe-  
‘ tite will not be restrained or disappointed,  
‘ nor the Trade of this Nation supported and main-  
‘ tained with the same Fleet and Forces which  
‘ were maintained in the happy Times of Queen  
‘ *Elizabeth*. Not to speak of the Naval Power of  
‘ the *Turks*, who instead of sculking abroad  
‘ in Poor Single Ships as they were wont to  
‘ do, Domineer now on the Ocean in strong  
‘ Fleets, make Naval Fights, and have  
‘ brought some Christians to a better Corre-  
‘ spondence and another kind of Commerce  
‘ and Traffick with them, than was expected;  
‘ infomuch as they apprehend no Enemy upon  
‘ the Sea, but what they find in the King of  
‘ *England’s* Ships, which hath indeed brought  
‘ no small Damage upon them, with no small  
‘ Charge to the King, but a great Reputation  
‘ to the Nation.

*My Lords and Gentlemen,*

Y O U may with a very good Conscience  
‘ assure your selves, and your Friends and Neigh-  
‘ bours, that the Charge the Crown is now at  
‘ by Sea and Land, for the Peace and Securi-  
‘ ty, and Wealth and Honour of the Nation,  
‘ amounts to no less than Eight Hundred  
‘ Thousand Pounds a Year; all which did not  
‘ cost the Crown before these Troubles, Four-  
‘ score Thousand Pounds the Year; and there-  
‘ fore they will never blame you for any Supply  
‘ you have given, or Addition you have made  
‘ to the Revenue of the Crown: and who so-  
‘ ever unskilfully murmurs at the Expence  
‘ of *Dunkirk*, and the other new Acquisitions,  
‘ which ought to be looked upon as Jewels of  
‘ an immense Magnitude in the Royal Diadem,

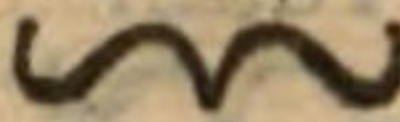


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do not enough remember what we have lost by *Dunkirk*, and should always do, if it were in an Enemies Hands; nor duly consider the vast Advantages those other Dominions are like, by God's Blessing, in a short time, to bring to the Trade, Navigation, Wealth and Honour of the King and Kingdom. His Majesty hath enough expressed his Desire to live in a perfect Peace and Amity with all his Neighbours: Nor is it an ill Ingredient towards the Firmness and Stability of that Peace and Amity, which his Royal Ancestors have held and maintained with them, that he hath some Advantages in Case of a War, which they were without.

IT was a right Ground of Confidence, such an one as seldom deceives Men, that the great Law-maker, the wise *Solon*, had, when he concluded, that Reverence and Obedience would be yielded to his Laws, because he had taken the Pains to make his Citizens know and understand that it was more for their Profit to obey Law and Justice, than to contemn and break it. The extravagant Times of Licence, which I hope we have almost outlived, have so far corrupted the Minds, and even the Nature of too many, that they do not return with that Alacrity they ought to do into the Road and Paths of Order and Government, from which they have so long been led astray: Nor, it may be, is there Pains enough taken, to make them understand the Profit, Benefit and Ease, which always attends a chearful Obedience and Submission to Laws and Government. I am perswaded, a little Pains and Kindness and Condescension in the wise, towards the weak



' weak, half the Diligence and Dexterity in 1662.  
 ' Conversation and Example, which hath been   
 ' used to corrupt the People in their Loyalty  
 ' and Understanding, will quickly reduce  
 ' them to their Primitive Temper, which is, to  
 ' be the best Neighbours, the best Friends,  
 ' and the best Subjects of the World:  
 ' And I make no Question but the great Piety  
 ' and Devotion, the Moderation, Wisdom,  
 ' Charity and Hospitality of my Lords the  
 ' Bishops, in their several Dioceſſes, will in a  
 ' ſhort time recover the poor miſſed People:  
 ' And though the Frowardneſs and Pride of  
 ' ſome of their Teachers may not be yet e-  
 ' nough ſubdued, though ſome of the Clergy  
 ' ſtill repeat their old Errors, for which they have  
 ' been glad to receive Pardon, and do in truth  
 ' diſcredit all their other Doctrines, with the  
 ' Abſence of any viſible Repentance for what  
 ' Miſchief they have formerly done, yet I hope  
 ' the Laity will ſoon return into the Boſom of  
 ' their dear Mother the Church, and eaſily diſ-  
 ' cern the Fraud and Impoſture of their Sedu-  
 ' cers; and that all Diligence and Dexterity  
 ' will be uſed, ſeriouſly and heartily to recon-  
 ' cile both Clergy and Laity, by all means  
 ' which may prove effectual.

' YOU have, *my Lords and Gentlemen,*  
 ' like wiſe Patriots, upon your Obſervation,  
 ' that the moſt ſignal Indulgence and Conde-  
 ' ſcensions, the Temporary Suspension of the  
 ' Rigour of former Laws, hath not produced  
 ' that Effect which was expected that the Hu-  
 ' mours and Spirits of Men are too rough and  
 ' boiſterous for thoſe ſoft Remedies, you have  
 ' prepared ſharper Laws and Penalties, to  
 ' contend with thoſe refractory Perſons, and to  
 ' break that Stubbornneſs which will not bend  
 ' to



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to gentler Applications: And it is great Reason that they upon whom Clemency cannot prevail, should feel that Severity they have provoked. You have done your Parts like good Physicians, made wholesome Prescriptions for the Constitution of your Patients, well knowing that the Application of these Remedies, the Execution of these sharp Laws depends upon the most discerning, generous, and merciful Prince, who having had more Experience of the Nature and Humour of Mankind, than any Prince living, can best distinguish between the Tenderness of Conscience, and the Pride of Conscience; between the real Effects of Conscience, and the wicked Pretences to Conscience; who having fought with Beasts at *Ephesus*, knows how to guard himself and the Kingdom from the Assaults and Violence of a strong, Malicious, corrupted Understanding and Will; and how to secure himself and the Kingdom from the feeble Traps and Nets of deluded Fancies and Imaginations: In a Word, a Prince of so excellent a Nature, and so tender a Conscience himself, that he hath the highest Compassion for all Errors of that kind, and will never suffer the Weak to undergo the Punishment ordained for the Wicked, and knows and understands better than any Man that excellent Rule of *Quintilian*, *Est aliquid quod non oportet, etiamsi licet, & aliud est jura spectare, aliud justitiam.*

*My Lords and Gentlemen,*

*MACHIAVEL*, who, they say, is an Author much studied of late in this Kingdom, to extol his own excellent Judgment and Insight in History, in which

in-



indeed he was a Master, would perswade  
Men to believe, that the true Reason why  
so many unexpected Accidents and Mischiefs  
fall out, to the Destruction of States and  
Empires, is, because their Governors have  
not observed the same Mischiefs hereto-  
fore in History, and from whence they  
proceeded, and what Progress they made;  
which he says, if they had done, they might  
easily have preserved themselves from Ruin,  
and prevented the Inconveniencies which  
have fallen out. I am sure, you are all good  
Historians, and need only to resort to the  
Records of your own Memories. Remember  
how your Peace hath been formerly di-  
sturbed, by what Contrivance and Artifices  
the People have been Alarm'd with unrea-  
sonable and unnatural Fears and Jealousies,  
and what dismal Effects those Fears and Je-  
alousies have produced. Remember how  
near Monarchy hath been dissolved, and the  
Law subverted, under Pretence of Reform-  
ing and Supporting Government, Law, and  
Justice. And remember how many honest  
Persons were misled by not discerning Con-  
sequences, who would as soon have re-  
nounced their Part in Heaven, as have con-  
curred in the first unwarrantable Action, if  
they had suspected what did follow: And  
if we suffer the same Enemy to break in  
upon us at the same Avenues, if we suffer  
our Peace to be blown up by the same  
Trains and Machinations, we shall be  
held very ill Historians, and worse Politi-  
cians.

T H E R E is an Enemy amongst us, of  
whom I doubt we are not jealous enough,  
and towards whom we cannot be too vigilant,  
and

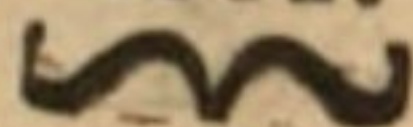


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and in Truth, in Comparifon of whom we  
 may reasonably undervalue all other Ene-  
 mies; that is, the Republicans, the Com-  
 monwealthfmen, who are every Day calling  
 in Aid of the Law, that they may Over-  
 throw and Abolish the Law, which they  
 know to be their irreconcilable Enemy. In-  
 deed, *My Lords and Gentlemen*, there is a  
 very great Party of thofe Men in every Fa-  
 ction of Religion, who truly have no Reli-  
 gion, but as the Pretence ferves to advance  
 that Faction. You cannot be too follicitous,  
 too inquisitive after thefe Men, who are reft-  
 lefs in their Counfels, and wonderfully pun-  
 ctual and induftrious in their Correfponden-  
 cies, which they maintain Abroad as well as  
 at Home: And you cannot doubt they have  
 Encouragement enough from Abroad; few of  
 our Neighbours love us fo exceedingly well,  
 but they would be glad to fee us entangled in  
 Domeftick Broils. Thefe Men are worthy of  
 your Care and Diligence, in your speedy  
 fettling the *Militia*, which the King hath  
 even now fo particularly recommended to  
 you.

I SHALL conclude with only putting you in  
 Mind that there was fcarce ever a more dan-  
 gerous Sedition in the Republick of *Rome*,  
 than in a time of full Peace, when the Citi-  
 zens were fullen, when there was no Noife  
 but in Whifpers, when Men neglected their  
 Trades, and ftayed idle in their own Houfes,  
 as if they cared not which way the World  
 went, from whence alone their Neigh-  
 bours, the *Etrurians*, were encouraged to  
 make a War upon them. *Novum Seditōnis*  
 (fays *Livy*) *silentium otiumque inter cives.*  
 Never any Nation under Heaven has lefs  
 Cause





‘ Cause of Sullenness than we, nevermore of Joy  
‘ and Thanksgiving: We all know that God  
‘ Almighty loves a chearful Giver, and we  
‘ may as well know that he loves a chearful  
‘ Receiver; besides all other Stupendious Bless-  
‘ ings conferred upon us, he hath given us the  
‘ most chearful Giver that ever People hath  
‘ been blest with; a King that hath with all  
‘ imaginable Chearfulness given us all we have  
‘ asked of him, all he hath to give; who  
‘ would not take or retain any thing we give  
‘ to him, but for our own Sakes; that by re-  
‘ ceiving and retaining it, he may give it to  
‘ us again, in more Abundance, in Abun-  
‘ dance of Peace, and Plenty, and Honour, and  
‘ all the Comforts which can make a Nation  
‘ happy.

THIS Time hath made a glorious Addi-  
‘ tion to our Happiness, which ought proporti-  
‘ onably to increase our Chearfulness; we  
‘ wanted only one Blessing, the Arrival of  
‘ our Queen, whom God hath now safely  
‘ brought to us; a Queen of such a rare Per-  
‘ fection in Body and Mind, of such great  
‘ Endowments of Wisdom, Virtue, and Pie-  
‘ ty, that we may reasonably promise our selves  
‘ from her, all the Happiness we are capable  
‘ of, and a Succession of Princes to govern us  
‘ till the end of the World; and there cannot be  
‘ a more transcendent Instance of the King’s  
‘ Love and Passion for his People, than that  
‘ he hath staid these Four Days to take his  
‘ Leave of you; and that he might give you  
‘ This Days Work, all these good Laws,  
‘ hath denied himself so long the enjoying  
‘ the greatest Comfort he is assured of in this  
‘ World.



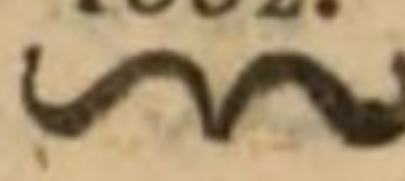
1662.



' I F there be not the most Universal Joy  
 ' in the Reception of these Blessings ; if there  
 ' be not an Universal Contentedness and Satis-  
 ' faction in the Hearts of all Men ; and  
 ' if that Contentedness and Satisfaction  
 ' do not break out, and is not visible in  
 ' the Looks and Thoughts, and Words and  
 ' Actions of the whole Nation, to the inflam-  
 ' ing the Hearts of the other Nations under his  
 ' Majesties Obedience by our Example, we  
 ' are guilty of an Ingratitude that is worthy  
 ' to deprive us of all we enjoy, and to disap-  
 ' point us of all we pray for. And therefore  
 ' I do most humbly beseech you, *My Lords and*  
 ' *Gentlemen*, That as there is a most noble  
 ' Cheerfulness and Alacrity visible in you,  
 ' and hath shed itself over all your Counte-  
 ' nances ; so that you will think it worthy of  
 ' your Pains, to infuse the same good Spirit  
 ' into City and Country, that they might all  
 ' express that Joy and Delight in the Blessings  
 ' they are possessed of, and cheerfully endea-  
 ' vour to improve those Blessings by their cheer-  
 ' ful Enjoying them, that God may continue  
 ' those Blessings to us, and the King's Com-  
 ' fort may be encreased, by the Comfort he  
 ' sees we have in him, and in what he  
 ' hath done for us: And as all Princes may take  
 ' a Pattern from him to Govern, and make  
 ' their Subjects happy ; so that all Subjects may  
 ' learn from us how to obey, and make that  
 ' Happiness lasting to them, by an eminent and  
 ' innocent Alacrity in their Acknowledgment.

' I AM by the King's express Command,  
 ' to add one Particular which his Majesty  
 ' meant, but forgot to say himself. You can-  
 ' not but observe that his Majesty hath not  
 ' passed the Bill that concerns the Earl of  
 ' *Derby*,



‘ *Derby*, which you cannot imagine proceeds 1662.  
 ‘ from his Majesties Want of Care of, and   
 ‘ Kindness to that Noble Family, which hath  
 ‘ served him so faithfully, and suffered so  
 ‘ much for so doing: But all Parties having  
 ‘ referred the Matter to his Majesty, he doubts  
 ‘ not but to make a better End for that Noble  
 ‘ Earl then he would attain if the Bill had passed.  
 ‘ I SHALL only add the King’s Commands  
 ‘ for Prorogation of this Parliament till the  
 ‘ Eighteenth Day of *February* 1662<sup>2</sup>, and this  
 ‘ Parliament is Prorogued till the Eighteenth  
 ‘ Day of *February* next.

I T was a great Weakning to my Lord  
 Chancellor *Clarendon*’s Interest and Stability at  
 Court, that Mr. Secretary *Nicholas* should on  
 the 2d of *October*, this Year, be put out of his  
 Office of Secretary of State, and that Sir *Henry*  
*Bennet*, afterwards Created Earl of *Arlington*,  
 no real Friend of the Chancellor, and one that  
 died at length a Papist, should be sworn into his  
 Place: This, the Chancellor, who was a No-  
 bleman, not only of great Experience in State  
 Affairs, but of an uncommon discerning Genius,  
 could not but foresee was designed for no Good  
 to him, and therefore he armed himself  
 with all his Dexterity against it, as against an  
 Enemy that would give him no Quarter:  
 And indeed he made such a Provision for a secure  
 Footing where he stood, that there could be no  
 just Apprehensions of losing any Ground:  
 But the real and heavy Storm proceeds  
 many times from the most unexpected Quar-  
 ter. There had been a long Course of uninter-  
 rupted Friendship both at Home and Abroad,  
 in a prosperous and adverse Fortune, between  
*George* Earl of *Bristol*, and the Earl of *Claren-*  
*don*; so that the same seemed to be like the  
 Gor-



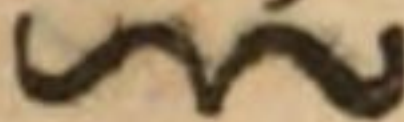
1663. *Gordian Knot*, indissoluble ; but the Chancellor refusing a small Boon, as the Earl of *Bristol* took it to be, which 'twas said, was the passing a Patent in Favour of a Court Lady, and wherein the Chancellor, who was best Judge of his own Office, was certainly in the Right ; this so sowed the others Spirits, as never dreaming he should be denied, that his Thoughts suggested nothing to him from thenceforwards but Malice, and the highest Revenge. And having digested all Things within himself, which he imagined might tend to the Disadvantage and Ruin of the Chancellor, he first made a bitter and artful Speech enough against him in the House of Lords ; and then on the 10th of *July*, 1663 exhibited Articles of High Treason and other Heinous Misdemeanors against *Edward Earl of Clarendon*, Lord High Chancellor of *England* ; which he framed after this manner.

1. **T**HAT being in Place of highest Trust and Confidence with his Majesty, and having arrogated a Supream Direction in all His Majesty's Affairs, both at Home and Abroad, both Wickedly and Maliciously, and with a Traiterous Intent to draw Scandal and Contempt upon His Majesty's Person, and to alienate from him the Affections of his Subjects, abused the said Trust in manner following, viz.

2. **T**HAT he hath Traiterously and Maliciously endeavoured to Alienate the Hearts of His Majesty's Subjects from him by Words of his own, and by Artificial Insinuations of his Creatures and Dependants, that His Majesty was inclined to Popery, and had a Design to alter the Religion Established in this Kingdom.

**T H A T**



*T H A T* in pursuance of that Traiterous Intent he hath to several Persons of His Majesty's Privy-Council held Discourses to this Effect, viz. 1663. 

*T H A T* His Majesty was Dangerously Corrupted in his Religion, and inclined to Popery.

*T H A T* Persons of that Religion had such Access, and such Credit with him, that unless there were a careful Eye had unto it, the Protestant Religion would be overthrown in this Kingdom; and in pursuance of the said Wicked and Traiterous Intent, upon His Majesties admitting Sir Henry Bennet to be Principal Secretary of State, in the Place of Mr. Secretary Nicholas, he hath said these Words, or Words to this Effect:

*T H A T* His Majesty hath given 10000 l. to remove a zealous Protestant, that he might bring into that Place of High Trust a concealed Papist, notwithstanding that the said Sir Henry Bennet is known to have ever been both in his Profession and Practice constant to the Protestant Religion.

*T H A T* in pursuance of the same Traiterous Design, several near Friends and known Dependants of his have said aloud, that were it not for my Lord Chancellor's standing in the Gap, Popery would be introduced into this Kingdom, or Words to that Effect.

*T H A T* in pursuance of the aforesaid Traiterous Design, he hath not only advised and perswaded the King to do such Things, contrary to his own Reasons and Resolutions, as might confirm and encrease the Scandal, which he hath endeavoured to raise upon His Majesty as aforesaid, of his favour to Popery, but more particularly to allow his Name to be used to the Pope

O



1663.

*Pope and several Cardinals in the Solicitation of a Cardinals Cap for the Lord Aubigny, one of his own Subjects, and great Almoner at present to his Royal Consort the Queen.*

*T H A T in Pursuance of the same Wicked and Traiterous Design, he had recommended to be employed to the Pope one of his Domesticks, Mr. Rich. Bealing, a Person (tho an avow'd Papist) known to be trusted and imployed by him in Dispatches and Negotiations concerning Affairs of greatest Concernment to the Nation.*

*T H A T in Pursuance of the said Traiterous Design, he being chief Minister of State, did himself write by the said Mr Rich. Bealing Letters to several Cardinals, pressing them in the King's Name to induce the Pope to Confer a Cardinal's Cap on the said Lord Aubigny, promising, in Case it should be attained, Exemption to the Roman Catholicks of England from the Penal Laws in Force against them; by which Address unto the Pope for that Ecclesiastical Dignity for one of His Majesty's Subjects and Domesticks, he hath, as far from one Action can be inferred, traiterously acknowledged the Pope's Ecclesiastical Sovereignty, contrary to the known Laws of this Kingdom.*

*T H A T in Pursuance of the same Traiterous Design, he has called unto him several Priests and Jesuits, whom he knew to be Superiors of Orders here in England, and desired them to write to their Generals at Rome, to give their help for the obtaining from the Pope the Cardinal's Cap for the Lord Aubigny, aforesaid, promising great Favour to Papists here, in case it should be effected for him.*

*T H A T he hath promised to several Papists he would do his endeavour, and said, he hoped to compass the taking away all Penal Laws against them*



them, which he did in Pursuance of the Traiterous Design aforesaid; to the end they might presume and grow vain upon his Patronage, and by their publishing their Hopes of Toleration, encrease the Scandal endeavoured by him, and by his Emissaries, to be raised upon His Majesty throughout the Kingdom. 1663.

THAT in Pursuance of the same Traiterous Design, being intrusted with the Treaty betwixt His Majesty, and his Royal Consort the Queen, he concluded it upon Articles Scandalous and Dangerous to the Protestant Religion.

THAT in Pursuance of the same Traiterous Design, he concluded the same Marriage, and brought the King and Queen together, without any settled Agreement in what manner the Rights of his Marriage should be performed, whereby the Queen refusing to be married by a Protestant Priest, in case of her being with Child, either the Succession should be made uncertain for Want of the due Right of Matrimony, or else His Majesty to be exposed to a Suspicion of having been married in his own Dominions by a Romish Priest, whereby all the former Scandals endeavoured to be raised upon His Majesty by the said Earl, as to Point of Popery, might be confirmed and heightened.

THAT having thus Traiterously endeavoured to Alienate the Affections of his Majesty's Subjects from him upon the Score of Religion, he hath endeavoured to make use of all the Malicious Scandals and Jealousies, which he and his Emissaries had raised in His Majesty's Subjects, to raise from them unto himself a Popular Applause of being the Zealous Upholder of the Protestant Religion, and a Promoter of new Severities against Papists.



1663.

~ THAT he hath Traiterously endeavoured to Alienate the Affections of his Majesties Subjects from him, by venting in his own Discourse, and by the Speeches of his nearest Relations and Emissaries, Opprobrious Scandals against his Majesties Person and Course of Life, such as are not fit to be mentioned, unless Necessity in the Way of Proof shall require it.

THAT he hath Traiterously endeavoured to Alienate the Affections of his Highness the Duke of York from his Majesty, by suggesting unto him Jealousies, as far as in him lay and publishing abroad by his Emissaries, that his Majesty intended to Legitimate the Duke of Monmouth.

THAT he hath Wickedly and Maliciously, contrary to the Duty of a Privy-Councillor of England, and contrary to the perpetual and most important Interest of this Nation, perswaded his Majesty against the Advice of the Lord General to withdraw the English Garrisons out of Scotland, and to demolish all the Forts built there, at so vast a Charge to this Kingdom.

THAT his Majesty having been graciously pleased to communicate the Desires of the Parliament of Scotland, for the Remove of the said Garrisons, to the Parliament of England, and to ask their Advice therein, the said Earl of Clarendon, not only perswaded his Majesty actually to remove those Garrisons without expecting the Advice of his Parliament of England concerning it, but did by Menaces of his Majesties Displeasure, deter several Members of Parliament from moving the House, as they intended, to enter upon Consideration of that Matter.

THAT he had Traiterously and Maliciously endeavoured to alienate his Majesties Affections and Esteem from his Parliament, by telling his Majesty that there was never so weak and  
In-



*Inconsiderable a House of Lords, nor never so Weak and so Heady a House of Commons, or Words to that Effect; and particularly, that it was better to sell Dunkirk, than to be at their Mercy for want of Money, or Words to that Effect.*

*THAT he hath Wickedly and Maliciously, contrary to his Duty of Councillor, and to a known Law made last Sessions, by which Money was given, and particularly applied for the maintaining of Dunkirk, advised and effected the Sale of the same to the French King.*

*THAT he hath contrary to Law Enriched himself and his Treasures by the Sale of Offices.*

*THAT contrary to his Duty he hath Wickedly and Corruptly Converted to his own use great and vast Sums of Publick Money raised in Ireland by way of Subsidy, Private and Publick Benevolences, and otherwise given and intended to defray the Charge of the Government in that Kingdom; by which Means a Supernumerary and disaffected Army hath been kept up there, for want of Money to pay them off, occasioned it seems to be because of the late and present Distempers of that Kingdom.*

*THAT having arrogated to himself a Supreme Direction of all his Majesties Affairs, he hath, with a malicious and corrupt Intention, prevailed to have his Majesties Customs Farmed at a far lower Rate than others do offer, and that by Persons, with some of whom he goes a share in that, and other Parts of Money resulting from his Majesties Revenue.*

July 10th,  
1663.

BRISTOL.



1663.

THE House of Peers having the same Day taken the Matter into their Consideration, ordered that a Copy of the Articles or Charge should be delivered to the Lord *Chief Justice*; who, with all the rest of the Judges, were to consider whether the said Charge had been brought in regularly and legally, and whether it might not be proceeded in, and how, and whether there were any Treason in it or no, and make Report thereof to the House on the 13th if they could, or else as soon after as possibly they could.

WHEREUPON all the Judges met at *Serjeants-Inn* in *Fleet-street*, and the Earl of *Bristol* repaired to them thither, desiring to see the Order; which being Read, he told them he came out of Respect to know of them whether they were informed how it came into the *House of Peers*, whether as a Charge, or not: But one of the Judges, who had been present when it was delivered in, saying, *they were tied up by their Order*, his Lordship took some Exception at the manner of his Expression, as if his Lordship's Address were unnecessary at that time, and taking it as a Rebuke upon him, went away. But according to their Order, which supposed it to be a Charge of *High-Treason*, and not mentioning *Misdemeanour*, they did upon Consideration unanimously agree upon this ensuing Answer, which on Monday the 13th of *July*, the Lord *Chief Justice Foster* did deliver in, viz.

WE conceive that a Charge of High-Treason cannot by the Laws and Statutes of this Realm be originally Exhibited by one Peer against another unto the House of Peers, and that therefore a Charge of High-Treason by the Earl of *Bristol* against the Lord Chancellor,  
men-



mentioned in the Order of Reference to us of the 10th of this Instant July, hath not been regularly and legally brought in, and if the Matters alledged in the said Charge were admitted to be true, altho' alledged to be traitterously done, yet there is no Treason in it. 1663.

THIS Answer being given in to the House of Peers, the Earl of Bristol took some Exceptions at it, and some of the Lords rightly inferred thence, that if it were Irregularly and Illegally brought in, it was a Libel; but the Judges satisfied them that it was not under their Consideration whether it came in as an Information or Charge; their Order requiring them to give an Answer to it as a Charge.

SECONDLY, They did not meddle with any thing concerning accusing him of *Misdemeanor*, for their Order reached only to *Treason*.

THIRDLY, That it did not follow, that if this Charge were Irregular or Illegal, that therefore Bristol was Criminal: There might be Presidents to give Colour to such kind of Proceedings; for which, till it were declared or known that they were Illegal, they were Titular, and ought not to be punished.

BUT it being much insisted on, the Judges should deliver the Reason of their Opinions in this Case; the Lord of Bristol and his Friends, the Chancellor's Enemies, seeming unsatisfied, they replied, That it was never known, that when the Judges, to whom Questions were referred from Parliament had unanimously agreed in their Opinions, that Reasons were required from them. Yet, notwithstanding it



1663. being the Desire of the Lords after some things premised, and a Desire that this should not be drawn into an Example, (which the Lords assented unto, for no Order was entred concerning it, there being no Order for delivering their Reasons entred,) it was agreed amongst the Judges that no Note should be reduced, lest they might be required to deliver their Reasons in Writing; nor had the Chief Justice time to digest it in Writing; having only *Monday Night*, after Conference with his Brethren, to think upon it: However, he did on the next Day, being the 14th, deliver the Reasons of all the Judges as to their Opinions by their Consents. And to the first Point, *That a Charge of High-Treason could not originally be Exhibited by one Peer against another unto the House of Peers*, the Emphasis of the Word *originally* was shewed.

FOR First, an Indictment of *Treason* against a Peer might be removed up to the Lords House to be tried, as it was in 31 *Hen. IV.* in the Earl of *Devonshire's* Case, but a Steward was then to be made.

SECONDLY, If an Impeachment came from the *House of Commons* unto the *Lords House*, they did not take upon them the Consideration, whether this could be proceeded in or not, for it was not the Case to which they were required to give *Answer*.

THE Judges replied, Upon the Statute 1 *H. IV. Chap. 14.* which recites the many great Inconveniencies and Mischiefs by Appeals, and provides that all Appeals of Things within the Realm should be Tried and Determined by the good Laws of the Realm made and used in the time of the King's Noble Progenitors, and



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and Appeals of things out of the Realm before the Constable and Marshal; but they relied upon the Clause ensuing, and thereupon it was accorded and assented, That no Appeals be from thenceforth made, or in anywise pursued in Parliament in time to come. The Chief Justice shewed Appeals in that Statute, and Accusations by single Persons were one and the same Thing; and that that Statute reached to all Appeals, Charges, Accusations or Impeachments delivered in in Parliament, whereupon the Person Accused was to be put to his *Answer*, and that they were but several Names of the same Thing; he shewed first Historically, that the Appeals 11 R. II. and 21 R. II. were but Accusations by those Lords of Felons against the other, and differed from the Case of the Duke of *Hereford* and *Norfolk*, which was to be tried as 21 R. II. *Pl. Cor. in Parl. No. 19.* is by the Course of the Civil Law, and thereupon Battle was waged. That tho' it concerned *H. IV.* in Interest to confirm 11 R. II. and Repeal 21 R. II. he being Appellant in the former, yet he saw the Mischief so great, that he himself made Provision against them for the time to come; and indeed the Mischief was so great, that it ceased not after the Destruction of many Lords and Families; (there being *lex talionis* in that 21 R. II. used towards most of those Appellants in 11 R. II.) till it tumbled King R. II. first out of his Throne, and then into his Grave.

THAT there were but Two Sorts of Proceedings in *Capitalibus*, the Suit of the Party which was called an Appeal, or the Suit of the King, who ought to proceed by Indictment,



1663. ment, and so to Trial by Vertue of *Magna Charta. Nec super eam ibimus*, &c. and that in an Appeal, being the Suit of the Party, there was no Prerogative of Appearance, if it were an Appeal at the Common-Law, as in 10 Ed. IV. The Lord Gray's Case. That an Appeal was taken in our Law-Books frequently for an Accusation by the Party, then he cited *Westm.* the 1st Cap. 14. where the Words Appeal reached to Indictment. And 9 Cook, 119. Lord Zanchar's Case, that an Appeal was of Two Significations, one General and frequent in our Books for an Accusation, and *Stamford*, 142. In Case of an Approver, the Felon after Confession may Appeal, that is, (saith he) accuse others Coadjutors with him to do the Felony. C. C. 189. Appellant comes from the French Word *Appeller*, which signifies to *Accuse* or *Appeach*, and C. C. 287. *Appel* signifieth an *Accusation*; and therefore to Appeal a Man is as much as to Accuse, and in Ancient Books, he that doth Appeal a Man is called *Accusator*, vide 9 Ed. II. *Articuli Cleri*, Cap. 16. That he knew no Reason why in those tumbling Times of R. II. (which caused that Statute, for the Statute-Roll is *comant ad au-termant este us en temps la darren Roy*, R. II.) They should proceed by Way of Appeal, but because they were then allowed at the Suit of the Party, to accuse any other of *Treason*, but at the King's Suit there ought to be an Indictment, and an Indictment could not be found but by Jury.

T H A T in all other Cases an Appeal was to be brought by the Party concerned, the Wife or Heir, or Party Robbed, &c. But in Case of *Treason* any Man might Appeal another, and therefore in all Reason it must be un-



understood of an Accusation, and any Man might accuse another of *Treason*; and if it could be proved by Witnesses, it must not be Tried by Battle, as other Appeals might. He concluded that in the 8 *H. IV. No. 38.* this Statute, the 1 *H. IV. Cap. 14.* is recited, and desired it should be duly kept, and put in Execution, which was granted. That *Stamford 78.* See *Pl. Cor. 31. 132.* agreed that Appeals of *High-Treasons* were not commonly used to be sued in Parliament, till the 1 *H. IV. Cap. 14.* Since which time this Manner of Appeal hath gone out of Use; and he said he had searched many Presidents; and tho' of late there might be a President (as it was of the *Earl of Bristol's* Father against the Duke of *Buckingham*, of some kind of Impeachment) yet he did confidently believe there was not since that Statute, 1 *H. IV. Cap. 14.* any one President of such an Impeachment at the Party-Suit, whereupon there was any Indictment: That in Truth, in the *Earl of Bristol's* Case, the *House of Commons* did Impeach the Duke of *Treason*, and so the *Earl of Bristol's* Impeachment proceeded not.

THAT as to the *Second Point*, That there was no *Treason in the Change*, tho' the Matters in it were alledged to be *Traiterously* done: The Chief Justice *Foster* said they had perused each Article *seriatim*, and had found no *Treason* in them: The great Charge which was endeavoured to be proved by many Particulars, was, That he did *Traiterously* and *Maliciously* endeavour to bring the King into Contempt, and with an Intent to Alien the People's Affections from him, say, &c. such and such Words, &c.

AND so it ran on, That in Pursuance of the *Traiterous Intent*, &c. he did, &c. and that



1663. that in further pursuance of the said *Traiterous Design*, &c. And in like manner were most of the Articles upon which the Characters of *Treason* seemed to be fixed. He said that it was a transcendent Misprision or Offence to endeavour to bring the King into Contempt, or to endeavour to Alienate the Peoples Affections from him, but yet it was not *Treason*. The Statute, 13 Car. II. Cap. 1. makes *Treason* during the King's Life: But if a Man call'd the King *Heretick*, or *Papist*, or that he endeavour'd to introduce *Popery*, (which is more in Express Terms than the Article of that kind Insinuates) or by Words, Preaching, Prayer, to stir up the People to Hatred or Dislike of the Person of his Majesty, or the Established Government, the Penalty was only Disability to enjoy any Place Ecclesiastical, Civil, or Military, and to be Subject to such Penalties as by the Common Law or Statutes of the Realm might be inflicted in such Case, (which was Fine and Ransom, with Imprisonment,) and it limited a Time and Manner of Prosecution.

THAT there was an *Objection* made the Day before upon the 25 E. III. That this being in Parliament, the King and Parliament had Power to declare *Treason*, and then the Judges ought to have delivered their Opinions with a Qualification, *unless it were declared Treason by Parliament where the Charge was depending*.

1. The Chief Justice answered to this, that 'twas not *Treason in presenti*, and if such a Declaration should be, *non constat*, whether it would relate to the time past.

SECONDLY, That he conceived that the Statute as touching that *Declaratory Power* extended but



but to such Cases as were clearly *Felony*, as Single Acts, if not *Treason*, (the Words being) *Whether it be Treason, or other Felony*; but in respect of the Doubts of *Escheats*, which, if *Treason*, belonged to the King, if *Felony*, to the Lords of the Fee, it was left to the Parliament. He did not say they Resolved the Point.

*Thirdly*, That admitting the *Declaratory Power* did extend to other Cases than such as were before the Judges, and was not taken away by 1 *M. Cap.* or any other Statute, yet he had read my Lord *Cook's* Opinion at large, *Pl. Cor. Fol. 22.* That this Declaration must be by the King, Lords and Commons, and by any Two of them alone; and they were now in a Judicial Way before the *House of Peers* only: And he did affirm as clear Law, that by that Judicial Way no *Treasons* could be declared nor adjudged, but such as were expressly within the Letter of the 24 *E. III.* and said, that Statute 25 *E. III.* was a Second *Magna Charta*; and that their Ancestors thought it their greatest Security to narrow, and not to enlarge *Treason*, and Cited 1 *H. IV. Cap. 10.* to which in the Parliament Roll was added *Rot. No. 17.* (it coming of the King's Free Grace,) that the Lords did much rejoice and humbly thank the King: And he read the Statute 1 *M. Cap. 1.*

T H A T the now Earl of *Bristol* in my Lord of *Strafford's* Case was the great Assertor of the Law against Constructive and Accumulative *Treason*, which if admitted, their Lordships could better suggest unto themselves, than he Express, how great a Door they would let open to other Inconveniences and Mischiefs to the Peerage. He concluded with reading the Act, 14 *Car. II.* for Reversing the Attainder of the Earl of *Strafford*; the first Part where.



1663. whereof he read to them, wherein it was expressed, that they who Condemned him, did purposely make an Act of Parliament to Condemn him upon an Accumulative *Treason*, none of the pretended Crimes being *Treason* apart, and so could not be in the whole, if they had been proved.

AFTER he had spoken to this Effect, the Earl of *Bristol* seemed to acquiesce, inasmuch as concerned their Opinions, as the Case was delivered to them; but it being to be put to the *Question*, whether the Lords did concur with the Judges Opinions, and himself being concerned in the Illative, that therefore the Charge was Illegal and Irregular; yet not being intended by him, as he said, as a Charge, but an Information, he desired (tho' as the Case was put to the Judges it was a good Inference) that the Voting of that might be spared till it was *Resolved* by the Lords whether he delivered it in as a Charge, or only as an Information for the Matter of the Charge, if it should be thought fit for their Lordships to proceed in it.

AFTER some Debate upon the *Question*, the Lords *Resolved* the same Day according to the Judges Opinions.

FIRST, That a Charge of *High-Treason* could not by the Laws and Statutes of the Realm be originally Exhibited by one Peer against another, unto the *House of Peers*.

SECONDLY, That in these Articles, if the Matters alledged in them were admitted to be true, there was no *Treason* in them, and because the Lords unanimously Concurred in them, (my Lord of *Bristol* did it as freely as any other) it was by Order entred, that these Votes were *Nemine Contradicente*.



MY Lord *Chancellor* being in this manner 1663.  
 cleared from the Impeachment, tho' not from  
 the Malice of the Earl of *Bristol* and others;  
 the Chief Justice desired their Lordships further  
 to observe, that in Judge *Hatton's* Reports the  
 Resolution of the Judges was expressed to be,  
 that a Peer could not be Impeached but by im-  
 dietment, and Mr. *Rushworth* in his Collections,  
*Fol.* 272. expressed such an Opinion to be de-  
 livered by the Judges in 1 or 2 Car. But that  
 upon Search it was found to be entred in the  
 Journal of Parliament of that time; but they  
 were Cautious, referring to the Common Law  
 only. But as for Proceedings in Parliament,  
 that did not belong to them to Determine, or  
 to that effect; but no Mention of 1 H. 4. Cap.  
 14. That it had been credibly reported that  
 some of the Judges in my Lord of *Strafford's*  
 Case, being asked some Questions, did with  
 the like Caution deliver their Opinions, and  
 speak with Reservations, (as the Case was put)  
 tho' they upon Hearing did know the Case  
 misput; which, after troubled the Conscience  
 of one of them, being a Grave Learned Man.  
 But that the now Judges having the Case refer-  
 red to them in Parliament upon Articles exhibited  
 in Parliament, did *Resolve* to deliver their Opi-  
 nions without any such Reservation; and the  
 Act of 1 H. 4. being express against Appeal in  
 Parliament, (and of Acts of Parliaments after  
 they are once made, none under the King, and  
 without him are Interpreters but the Judges.)  
 They therefore did deliver these Opinions, which  
 they conceived of great Benefit to the Lords  
 themselves, and a just Ground for farther En-  
 quiry to be made, whether such Impeachments  
 might be in the *House of Peers* for other *Mis-*  
*demeanors*, without the King's Leave, or being  
 Exhibited



1663.

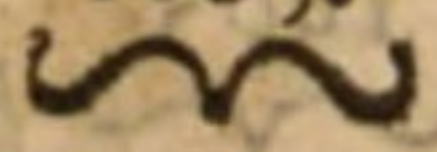
hibited by his Attorney. And Secondly, to take into Consideration the Validity of Impeachments of *Treason* by the *House of Commons*, notwithstanding the late *Presidents* which yet ended in a Bill, and so in the Legislative, not Judiciary Way.

THIS Earl of *Bristol*, that has thus impeached the *Chancellor*, is that Lord *Digby*, so often mentioned in his History of the Rebellion, for his Dexterity in Military and Civil Affairs, he having had a great Share in the Transactions of those unhappy Times, and came to the Honour of *Bristol* upon the Decease of his Ag'd Father *John* Earl of *Bristol* in *France* in 1650, according to *Heylin's help to English History*; but rather in 1654.

LET the Earl come to the Honour when he would, it's the most unaccountable thing in Nature to me, that he of all Men should frame those Articles against the Lord *Chancellor*: That the King was Popishly inclined I doubt was but too true, and there is no Question but the *Chancellor* knew it: What Religion Sir *Henry Bennet*, afterwards Earl of *Arlington*, died of, is very well known to some still living: But that he should tax the Earl of *Clarendon* with saying *Bennet* was a Concealed Papist, when *Bristol* himself was so, he having some Years before, when dangerously Sick in *France*, reconciled himself to the Church of *Rome*, as he afterwards Publickly owned it, saying, he had done it in the very Article of Death, is such a Paradox that nothing but inveterate Malice can account for, and so we leave it.

THIS bold Attack upon the *Chancellor*, tho' he came of with Honour, rendred him more Cautious and Circumspect in his Conduct, so that



that Things in all outward Appearance went smoothly on with him, bating that the Gout <sup>1665.</sup>  racked him now and then till the War with the *Dutch* Broke out; which the Libellers of that Age made to be one of his Heinous Crimes, tho' he abhorred it; and you'll see by and by how he Vindicates himself as to this Particular: It's not to be doubted but he was necessitated to say many Things to the Parliament in Publick that he did not very well like within himself; but every thing that he spoke or wrote having a very Excellency Relish in it, I am loth any Piece I could meet with of his should ever be omitted.

THE raging and most dreadful Pestilence in *London* having oblig'd the Court to withdraw to *Oxford*, and the King having required the Parliament to meet in *Christ-Church-Hall* in that City on the 10th of *October* this Year, it's in some sort necessary to premise what the King was pleased briefly to say to them about the War on Foot, and other Matters, the better to introduce the Lord Chancellor's Speech, who harangued them more at large.

M Y Lords and Gentlemen,

I am confident you all believe, that if it had not been absolutely necessary to consult with you, I would not have called you together at this time, when the Contagion hath so spread itself over so many Parts of the Kingdom. I take it for a good Omen to see so good an Appearance this Day, and I doubt not every Day will add to your number; and I give you all my Thanks for your Compliance so far with my Desires.



1665.

THE Truth is, as I entred upon this War by your Advice and Encouragement, so I do desire that you may as frequently as is possible, receive Information of the Conduct and Effects of it, and that I may have the Continuance of your Cheerful Supply for the carrying it on. I will not deny to you that it hath proved more chargeable than I could imagine it would have been: The Addition they still made to their Fleets, beyond their first Purpose, made it unavoidably necessary for me to make Proportionable Preparations, which God hath hitherto blessed with Success in all Encounters. And as the Enemy have used their utmost Endeavours by Calumnies and False Suggestions to make themselves Friends, and to perswade others to assist them against us; so I have not been wanting to encourage those Princes who have been wronged by the Dutch to recover their own by force; and in order thereunto have assisted the Bishop of Munster with a very great Sum of Ready Money, and am to continue a Supply to him, who is now in the Bowels of their Country with a Powerful Army.

THESE Issues, which I may tell you, have been made with very good Conduct and Husbandry, (nor indeed do I know that any thing hath been spent that could have been well and safely saved,) I say, this Expence will not suffer you to wonder, that the great Supply which you gave me for this War, in so Bountiful a Proportion, is upon the Matter already spent: So that I must not only expect an Assistance from you to carry on this War, but such an Assistance as may enable me to defend my self and you against a more Powerful Neighbour, if he shall prefer the Friendship of the Dutch before mine.



I Told you, when I entred upon this War, that I had not such a Brutal Appetite as to make War for War sake; I am still of the same mind: I have been ready to receive any Propositions that France hath thought fit to offer to that End; but hitherto nothing hath been offered worthy my Acceptance; nor is the Dutch less Insolent, though I know no Advantage they have had, but the Continuance of the Contagion: God Almighty, I hope, will shortly deprive them of that Encouragement.

THEN having told them the Chancellor will inform them of all the Particulars, this he did in the following Manner.

*MY Lords, and you the Knights, Citizens and Burgeses of the House of Commons,*

THE King is not content, you see, to leave you to your selves to make a State of this War, and the Success that hath attended it by your own Observation, and the general Communication of all that hath fallen out, which in Truth hath left few Men Ignorant of any thing who have had any Curiosity to inform themselves; but takes Care that you be informed by himself, that you may know all that he knows, that so you may be able to give him your Counsel upon the clearest Evidence.

IN order to this, it will not I hope be unreasonable or ungrateful to you to refresh your Memory, by looking some Years backwards, even to the time of His Majesties Happy Restauration, that we may take the better prospect of the Posture we are now in, and how we have come into it.



1665 ~ W H A T Inclinations His Majesty brought home with him, to live in Amity with his Neighbours of *Holland*, though he had received Indignities enough from them, and in Truth hath been little less proscribed there than he had been in *England*, needs no other Manifestation than that he chose that Place to imbarck himself in when he was pressed by the Two Neighbour Kings, from whom he had received more Civilities, to have made use of their Ports. It cannot be denied but that his Reception in *Holland* was with great Civility and Lustre, and a sufficient Evidence that they had a full Sense of the high Honour His Majesty had vouchsafed to them, and the Departure from thence was with equal and mutual Satisfaction in each other; which made many Men the more wonder, that albeit the Ambassadors who were to follow had been nominated before the King left the *Hague*, there was so long an Interval before their Arrival here, that the Two Neighbour Kings, and many other Princes, had finished their Ambassies of Congratulation, before we had heard any more from the United Provinces.

Y O U all remember how long it was before the Armies were disbanded, and the Fleets paid off; during which time His Majesty lived upon his Credit, and easily contracted a great Debt for the meer Support of himself and his Household, which was not so easily discharged afterwards. There was one thing that exceedingly surprized him, when he found (which will be incredible to Posterity) that a Triumphant Nation, that had made itself terrible to *Christendom*, by having fought more Battels than all the Neighbour Kingdoms and States together had ever done in so few



1665.

few Years, and seemed to be in a Posture ready to fight them over again, that had so long Reigned over the Ocean in formidable Fleets, should at the time of his Majesties happy Return, as if on the sudden all their Arms had been turned into Plough-shares, and their Swords into Pruning-hooks, not have in all their Magazines, in all the Stores, Arms enough to put into the Hands of Five Thousand Men, nor Provisions enough to set out Ten New Ships to Sea; which his Majesty did not desire should be known to his best Neighbours, how little soever he suspected their Affections: Nor did indeed so much as make it known to his Parliament, but made it his first Care, without the least Noise, and with all imaginable Shifts, to provide for the full Supply of those Important Magazines and Stores, which have been ever since replenished as they ought to be.

HE had not the least Imagination that any of his Neighbours would wantonly affect to interrupt the happy Calm that he and themselves enjoyed, and therefore resolved to retrench the vast Expence of the Navy, under which he found the Nation even to groan; and out of that good Husbandry to provide for more necessary Disbursements: Yet that the World might not think that he had abandoned the Ocean, that the Memory of the Glorious Actions the *English* had so lately performed upon it might not vanish in an Instant, after he had provided such a Guard as the Narrow Seas never ought to be without, in the Spring he sent a strong Fleet against the Pirate of *Algiers* and *Tripoly*, (who had grown to that Strength and Boldness that they interrupted the whole



1665. Trade of *Christendom*) as the only Enemies he would chuse to have.

IT was a Design of great Glory and Expence, crowned in the End by God Almighty with the Success we could wish, and with an intire Submission to the *English* Flag, and as great Security to all his Majesties Subjects in Trade, as the Engagement and Honour of Infidels can give; and this Agreement ratified with all formality (the like whereof had never been before) by the *Great Turk* himself.

HEREUPON the King again renewed his Resolution for a further Retrenchment of his Naval Expence, even to the lessening of the Guard in the Narrow Seas; his Merchants in all Places receiving less Interruption in their Trade than they had in any former time undergone: Until he received Intelligence from the *Streights*, that the Faithless People of *Algiers*, who had so lately submitted to him, had committed new Insolencies upon some of his Subjects, or rather upon Foreign Persons taken by his Subjects into their Protection, and which the *Turks* pretended they might do without Violation of the Treaty: But His Majesty resolving to admit none of those Elucidations, lost no time in sending a new strong Fleet into the *Mediterranean*, to chastise those Perfidious Pirates; and after a chargeable War made upon them for near or full Twelve Months, and after having taken several of their Ships from them, and upon the matter blocking them up in their Harbours, he received a Second Submission from them with better and more Advantageous Conditions than the former.



I Must not omit one Circumstance; that about this time, the *Dutch*, who received much more Prejudice and Damage from the *Turks* than the *English* had done, besought his Majesty that he would once more send a Fleet into those Seas against those Pirates, and that it might upon all Occasions join with one they were likewise ready to send out to the same Christian End, and for the utter Extirpation of those Sea-Robbers; and within a very short time after the *English* Fleet was gone, they likewise sent *De Ruyter* with a good Fleet thither, which was so far from any Conjunction with us, that when our Ships chased any *Algier-Men* near them, they never offered to obstruct their flight, but quickly made it manifest, that they rather brought Money with them to Buy a Dishonourable and Disadvantageous Peace, than to make a War upon them.

MATTERS standing thus; the King's Fleet being gone into the *Streights* against the *Turkish* Pirates, and there remaining few Ships in the Narrow Seas, we began every Day to hear of the Depredations by the *Dutch* upon our Merchants in all Parts. Instead of delivering up the Island of *Poteroon* in the *East-Indies*, (as by the Treaty they ought to have done,) they by their Naval Power in those Parts hindred us from Trading there, and would not suffer our Ships to take in their Lading of such Merchandize as the Factors had provided and made ready for their Freight, upon Pretence that those Parts where the Merchandize was ready to be imbarqued were in the Dominions of some Princes whom they had declared to be their Enemies, and so they would not suffer any Traffick to be main-  
P 4 tained



1665. tained with them. And they published the like Declaration, and challenged the same Sovereignty in *Africa*, and by Virtue thereof would not suffer our Ships to Trade upon that Coast, where we had a Trade long before the *Dutch* had any footing in those Parts.

THESE Infolencies made that Noise in the World, that the *English* Merchants felt the Effects of it in all Places, till it reached the Ears of the Parliament, which in *April* was Twelve Months, represented the same to his Majesty, and besought him that he would take some Speedy and Effectual Course for the Redress of those Wrongs, Dishonours, and Indignities, which were the greatest Obstructions of our Trade; and declared, that in the Prosecution thereof they would with their Lives and Fortunes assist his Majesty against all Oppositions whatsoever.

*MY Lords and Gentlemen,*

YOU very well remember, that though his Majesty was very well pleased with the great Zeal you shewed for the Advancement of Trade, he was far from resolving to make a War upon the Warmth of that Declaration, but told you that he would examine and peruse the particular Complaints which had been represented to his Parliament, and would thereupon demand Justice and Reparation from the *States-General*; which Demand he appointed his Minister residing there to make in a short time after. What Effect that Candid Way of proceeding found is enough known to the World. Instead of other Application, they declare themselves wonderfully offended with the Declaration of the Parliament, with many in-



insolent Expressions suitable to the Manners of a Commonwealth; they gave present Orders for equipping a very great Fleet, and the raising many Land-Soldiers, making greater Preparations for War than they had done in many Years before. They had made a Complaint to his Majesty, that a Captain of one of the Ships which his Majesty had lent to the Royal Company, had in his Voyage thither taken a Fort belonging to them near *Cape Verde*, for which they demanded Satisfaction. The King assured them that he had not the least Commission or Authority from him for so doing; that he expected him home very speedily, and then he should be sure to undergo that Punishment which the Nature of his Offence required, when the Matter should be examined, and they should be sure to receive full Reparation. This satisfied them not, but in great Fury they resolve to send forthwith a strong Fleet to *Guinea*, and granted a Commission (which they took Care to publish) to the Commander in chief, to make War upon the *English* in those Parts, and to do them all the Mischief they could.

THE King found himself now obliged, in what streight soever, to provide for the Protection of his Subjects in those Parts, and for the Support of that Trade, which I doubt is not enough taken to Heart, and the Value thereof not enough understood; and in order thereunto with great speed caused a Fleet to be made ready for that Expedition, under the Command of his Highness Prince *Rupert*, who was under Sail for the Voyage; when his Majesty found it necessary to stop the Prince his further Prosecution of it, upon good

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1665. Intelligence that the *Dutch* had appointed their Admiral with a Fleet of Fifty Sail, to convoy the other Fleet designed for *Guinea* through the Channel, in contempt of his Majesty, who had a very small Fleet in Readiness; and that *De Ruyter* was likewise sent out of the *Streights* from prosecuting the *Turks*, to make War upon the *English* in *Guinea*, when at the same time they had earnestly pressed the King upon many Professions of Desire to prevent a War, that Prince *Rupert's* Fleet might stay in Harbour, as theirs should do, till some Means might be found for an Accommodation of all Differences. And in truth this very difficult Stratagem of pretending one thing, and intending another; of promising with all Solemnity, and never resolving to perform; of swearing this Day not to do a thing, when they had served their Turn by having done it Yesterday, that no Body could know it, is the highest Pinnacle of their Wisdom of State, by which they govern their Affairs, and delude their Neighbours.

THE Winds were not favourable to this Triumphant Design: And now the King found the Value of the Vote and Declaration of his Parliament, it was a Rich and a Massie Vote, which in a short time he Coined into Two Hundred Thousand Pounds Ready Money in the Chamber of the City of *London*, with which he gave Order forthwith to make ready more Ships; and the *Duke* going himself to the Fleet, by his Indefatigable Industry, with Incredible Expedition, added so many good Ships to those under the Command of Prince *Rupert*, that in *November* he put himself on Board the Fleet, resolving to stop the *Dutch*, if the Wind gave them leave to pursue their former



former Resolution, which from the time the Duke was known to be at Sea they fairly declined, and were content rather to be safe in their own Harbours, than to look to the Security of their Merchants: It was high time now to seize upon as many of their Ships as came in our Way, to satisfy the Damages we had Reason to believe we should sustain from *De Ruyter's Expedition into Guinea* with the Commission mentioned before: But there was not the Lading of one Ship Sold or Disposed of till his Majesty received full Information of *De Ruyter's* taking our Forts, and committing all the Acts of Hostility, which his Commission directed him unto; his Majesty likewise at the same time receiving new Advertisement of their Refusal to deliver up the Island of *Poloroon* to him, which they were bound to by their Treaty. And will you not wonder after all this at the Confidence of these Men? And more, that any Neighbour Prince should have that Confidence in them, as to declare that the King our Master is the Aggressor, that he First began the War.

FROM this time the War began to be more in Earnest, and to be carried on at another Expence. Though His Royal Highness ventured himself in *November*, in a Fleet consisting of a little more than Fifty Ships, to stop the *Dutch* from passing through the *Channel*, yet in *April* (which was within few Days after your Prorogation, and the end of your last Session,) he went again to Sea with a much stronger Fleet, and more proportionate to the great Preparations the Enemy had made; and even after he was gone to Sea, upon great Additions of Strength every Day made by the *Dutch*,



1665. *Dutch*, more good Ships were sent to reinforce the Fleet: Infomuch, as upon that Glorious Third of *June*, when they had the Courage to Visit our Coasts, after the Duke had in vain called upon them at their own Doors, and took many of their Merchants Ships in their Sight, the *English* Fleet consisted of very few less than One Hundred Sail. The Action, and the Blessing of that Day, hath been Celebrated by all true *English-men*; and therefore I shall say no more of it here, save only, that whether the Publick Joy then, even upon the Solemn Thanksgiving-Day, was Superiour to the Universal Consternation that spread itself over the Nation before, I appeal to the Breasts of all here present: We who had the Honour to be near the King at that time, observed him to be in that Agony that cannot be expressed; an Agony himself could not have long endured, even when by all the Intelligence he received hourly from the Coast he had Reason to assure himself of the Victory. In that great Action we Sunk, Burnt, and took Eighteen Good Ships of War, whereof half were the best they had, with the Loss of One single small Ship of ours, but of many Noble and Gallant Persons, of too much Value to be ventured (if there had not been a greater Venture) against such Trash; and whose Memories ought to be Preserved and Extolled, and made Precious to Posterity.

NO Diligence was omitted, but all Imaginable Expedition used in refreshing, repairing, and setting out the Fleet again; in order to which the King himself made a Journey thither, and staid till he saw all ready and fit to Sail: But then no Intreaty, no Importunity, could prevail with him to venture his  
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Brother again; though his Family, and all Preparations for the Voyage, were still on Board. His Majesty too well remembered, and still felt the Impressions he had undergone the Third of *June*; and having got his Brother into his Arms again, he would not return without him, committing the Charge of the Fleet to the Earl of *Sandwich*, who had acted so good a Part in it.

WITHIN few Days after the beginning of *July* the Earl of *Sandwich* went again to the Coast of *Holland*, with a Fleet in no degree inferiour to the former, and Rode before the *Texel*, to Invite the *Dutch* to a new Engagement, they having used all the Arts at home to conceal the Loss and Dishonour they had undergone, and pretended to be very Ready and Sollicitous for another Battel, when there was no Appearance of their Purpose to come out: And upon such Intelligence that the *East-India* Fleet was coming about the North, he received Orders to go for *Norway* upon such Encouragement as was not made good; so that he was disappointed of the Expectation he had very reasonably carried with him thither, and at a Season when that Climate gives little Encouragement to abide in those Seas. I am not yet to enlarge upon that Matter till I hear a better Account from some of our Friends: However, though he could not meet with their whole Fleet, as he endeavoured to do, yet he hath had the good Fortune in Two Encounters to take Eight of their great Ships of War, Two of their best *East-India* Ships, and about Twenty of their Merchants Ships, all under the Protection of their Fleet, or ought to have been; and was then by Tempest, and other Rea-



1665. Reasons, which no Wisdom of his could prevent, obliged to put into our own Harbours.

I DO not mention the great Numbers of the Prisoners we have taken, an Army of Prisoners, who, in Truth, do us more harm at Land than ever they did at Sea, and are a Charge that never fell under our Estimate and Computation: I would not be understood that we had entred upon a War, and never thought of Prisoners, and Sick and Wounded Men; but that the Prisoners, and Wounded Men, should bring us so Prodigious an Expence, and of which we can yet see no bottom; insomuch, as in one Place, I think *Colchester*, that Charge comes to Twelve Hundred Pounds this Week; I say, such an Expence never came into our Computation.

THE King tells you he hath enabled the Prince and Bishop of *Munster* to demand Justice from those who have so Notoriously oppressed him with such Outrageous Circumstances of Insolence and Scorn, as are enough known to the World; and he hath demanded it bravely, in such an Equipage as hath not been made for little Money, in which he can take, as well as ask, Satisfaction.

AFTER all this, since there is Justice due to the worst Enemies, we must do them this Right, that they do not at all seem weary of War, they do not discover the least Inclination to Peace. It is true, the *French* King hath offered his Mediation: And truly, if he intends no more than a Mediation, it is an Office very worthy *The most Christian King*: I wish with all my Heart, that (as a Mediator) he would make Equal Propositions, or that he would not so importunately press his Majesty to consent to those he makes, upon an  
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Instance and Argument that he holds himself 1665.  
engaged by a former Treaty (which we never heard till since the beginning of this War, and had some Reason to have presumed the contrary,) to assist the *Dutch* with Men and Money, if His Majesty doth not consent.

HIS Majesty tells you, that he hath not an Appetite to make War for War sake, but will be always ready to make such a Peace as may be for his Honour, and the Interest of his Subjects; and no doubt it will be a great Trouble and Grief to him to find so great a Prince, towards whom he hath manifested so great an Affection, in Conjunction with his Enemies: Yet even the Apprehension of such a War will not terrifie him to the Purchase of a Peace by such Concessions as he would be ashamed to make you acquainted with; of which nature you will believe the Propositions hitherto made to be, when you know that the Release of *Poloroon* in the *East-Indies*, and the demolishing the Fort of *Cabo-Corso* upon the Coast of *Guinea*, are Two, which would be upon the Matter to be content with a very vile Trade in the *East-Indies*, under their comptroul, and with none in *Guinea*. And yet these are not Propositions unreasonable enough to please the *Dutch*, who reproach *France* for Interposing for Peace, instead of Assisting them in the War; boldly Insisting upon the Advantage the Contagion in *London*, and some other Parts of the Kingdom, gives them, by which they confidently say the King will be no longer able to maintain a Fleet against them at Sea: And as if God Almighty had sent his heavy Visitation upon the Kingdom on their behalf, and to expose it to their Malice and Insolence, they load



1665.  us with such Reproaches as the Civility of no other Language will admit the Relation of ; the Truth is, they have a Dialect of Rudeness so peculiar to their Language and their People, that it is high time for all Kings and Princes to oblige them to some Reformation, if they intend to hold Correspondence or Commerce with them:

*MY Lords and Gentlemen,*

YOU see in what Posture we stand with Reference to our Neighbours abroad, who are our declared Enemies ; their Malice and Activity to make others declare themselves so too ; the great Preparations they make, and even Declarations that they will have another Battel, towards which they have in Readiness an equal number of new, greater, and better Ships than those they have lost, furnished with larger and greater Artillery ; so that if they were to be manned with any other Nation than their own they might be worthy our Apprehension. What Preparations are to be made on our Part you can best judge. I have fully obeyed the Command that was laid upon me, in making you this plain, clear, true Narrative of what hath passed ; I have no Order to make any Reflection upon it, nor any Deduction from it : The King himself hath told you, that the Noble, Unparallell'd Supply you have already given him is upon the Matter spent, spent with all the Animadversions of good Husbandry that the Nature of the Affair would bear. What is more to be done he leaves intirely to your own Generous Understanding ; being no more assured of any thing that is to come in this World, than that the same Noble Indignation for the Honour of the King and the Na.



Nation, will inspire you with Resolutions to grant him such speedy and effectual Supplies as may enable him to carry on this War with Glory and Success, and terminate it in a secure and lasting Peace.

THE Event of the War against the *Dutch*, and the Conclusion of a Peace with them, are well known, as well as some other Occurrences touch'd upon in this Speech, of which we shall give no Particulars; but here we are to observe, that the Chancellor's Enemies began about this time to gain Ground against him; and their Artifices prevail'd so far, that after the Breaking up of the Parliament at *Oxford* his Credit declined apace. However, it happening this Year that the Right Honourable the Lord *Morley* shou'd kill one Mr. *Hastings*, and was to be Arraigned for it at *Westminster* by his Peers, somebody must have been High Steward for the Trial; and since the Lord Chancellor for the time being, in Case he was a Peer himself, was usually the Person deputed to execute that Great Office and High Trust, the Earl of *Clarendon* was Nominated to that End, and carried every thing with the utmost Decorum, Circumspection and Justice, the Lord *Morley* being found Guilty of Manlaughter, but had the Benefit of his Clergy.

THE Noble Earl's Fall came on now with Winged Haste; the King must part with his best Councillor, most sincere Friend, and the Companion of his Fortune, for a new Set of Favourites, who had much less Skill in managing the Reins of Government, and accelerated the Distractions of the succeeding Times. As soon as ever the Great Seal was taken from the Lord Chancellor, which was on the 30th of *August* 1667, it's incredible with what

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1667.

Rage and Fury every Body fell upon him: Nay, when the Parliament met on the 10th of *October*, both Houses returning Thanks to the King for his Speech at the opening of that Sessions, they thanked him in a more especial manner for having displaced the Earl, and removed him from the Exercise of any Publick Trust and Employment in Affairs of State. But not resting here, Mr. *Edward* (now Sir *Edward*) *Seymour* was the First Man that on the 26th of *October* charged his Lordship *Viva Voce* with many great Crimes, upon which there arose a Debate in the House, how they should proceed upon it: Some moving he should be Impeached in the Name of the Commons till Articles shou'd be formed against him; others urged that Witnesses should be first Examined to see how the Charge might be made good, lest in Case of Failure it might reflect on the Honour of the House. After long Debate a Committee was appointed to search Records for Parliamentary Proceedings in the like Cases, from which Sir *Thomas Littleton* making Report on the 30th that they found various Proceedings in several Parliaments, this occasioned a long Debate, which was maintained by Sir *Thomas Littleton*, Serjeant *Maynard*, and Mr. *John Vaughan*, (afterwards Sir *John*, and Lord Chief Justice of the Common Pleas,) who having been formerly Intimate with the Chancellor, but upon the Restoration finding himself received by him with more Coolness and Indifferency than he expected, left no Opportunity untried to thwart him, and in these Debates none so forward, and so full of Animosity against him: The other Spokesmen were Sir *Heneage Finch*, Sir *Thomas Meers*, Sir *Richard Temple*, and the Earl's own Son, Mr.



Mr. *Lawrence Hide*; who with a great deal of 1667.  
 Modesty, as well as Piety, toward an Afflicted  
 Father, said he was sensible the House might  
 think him Partial, but that he should endeavour  
 to shew himself not so much the Son of  
 the *Earl of Clarendon*, as a Member of that  
 House; and then assur'd them, that if he shou'd  
 be found guilty, no Man shou'd be more a-  
 gainst him than he, otherwise he hoped every  
 one would be for him as much as himself:  
 That every one in his own Conscience was to  
 consider what of that Charge was true, since  
 he did believe if one Article was proved a-  
 gainst the *Earl*, he would own himself guilty  
 of all the rest.

THE Debate ending in a Vote, that the  
 Committee should reduce the Accusation to  
 Heads, and present them to the House, Sir  
*Thomas Littleton* on the 6th of November re-  
 ported and read the same, and they were these  
 that follow.

I. THAT the *Earl of Clarendon* hath de-  
 signed a Standing Army to be raised, and to go-  
 vern the Kingdom thereby, and advised the  
 King to dissolve this present Parliament, to lay  
 aside all Thoughts of Parliaments for the future,  
 to govern by a Military Power, and to main-  
 tain the same by Free Quarter and Contribu-  
 tion.

II. THAT he hath, in the hearing of the King's  
 Subjects, falsely and seditiously said, That the  
 King was in his Heart a Papist, or Popishly  
 Affected, or Words to that Effect.

III. THAT he hath received great Sums of  
 Money for the procuring of the Canary Patent,  
 and other Illegal Patents, and granted Illegal  
 Injunctions to stop Proceedings at Law against  
 them, and other Illegal Patents formerly grant-  
 ed.



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IV. THAT he hath advised and procured divers of his Majesties Subjects to be Imprisoned against Law, in remote Islands, Garrisons, and other Places, thereby to prevent them from the Benefit of the Law, and to produce Presidents for the Imprisoning any other of his Majesties Subjects in like manner.

V. THAT he procured his Majesties Customs to be Farmed at under Rates, knowing the same, and great pretended Debts to be paid by his Majesty, to the Payment of which his Majesty was not in strictness bound, and afterwards received great Sums of Money for procuring the same.

VI. THAT he received great Sums of Money from the Company of Vintners, or some of them, or their Agents, for Inbauncing the Prizes of Wines, and for freeing them from the Payment of Legal Penalties, which they had incurred.

VII. THAT he hath in a short time gained to himself a greater Estate than can be imagined to be gained lawfully in so short a time, and contrary to his Oath he hath procured several Grants under the Seal from his Majesty to himself and Relations, of several of his Majesties Lands, Hereditaments and Leases, to the disprofit of his Majesty.

VIII. THAT he hath introduced an Arbitrary Government in his Majesties Foreign Plantations, and hath caused such as complained thereof before his Majesty and Council to be long Imprison'd for so doing.

IX. THAT he did reject and frustrate a Proposal and Undertaking, approved by his Majesty for the Preservation of Mevis, and St. Christophers, and reducing the French Plantations to his Majesties Obedience after the Commissions



missions were drawn for that Purpose, which was the Occasion of our great Losses and Damage in those Parts. 1667.

X. THAT he held Correspondence with Cromwell and his Complices, when he was in Parts beyond the Seas attending his Majesty, and thereby adhered to the King's Enemies.

XI. THAT he advised and effected the Sale of Dunkirk to the French King, being Part of his Majesties Dominions; together with the Ammunition, Artillery, and all Sorts of Stores there, and for no greater Value than the said Ammunitions, Artillery, and Stores were worth.

XII. THAT the said Earl did unduly cause his Majesties Letters Patents under the Great Seal of England to one Dr. Crowther to be alter'd, and the Enrolment thereof to be unduly rased.

XIII. THAT he hath in an Arbitrary Way examined and drawn into question divers of his Majesties Subjects concerning their Lands, Tenements, Goods, Chattels, and Properties, determined thereof at the Council Table, and stopped Proceedings at Law by Order of the Council-Table, and threatned some that pleaded the Statute of 17 Car. I.

XIV. THAT he hath caused Quo Warranto's to be issued out against most of the Corporations of England immediately after their Charters were confirmed by an Act of Parliament, to the Intent he might require great Sums of Money of them for renewing their Charters, which when they complied withal, he caused the said Quo Warranto's to be discharged, and Prosecution therein to cease.

XV. THAT he procured the Bills of Settlement of Ireland, and received great Sums of Money



1617. *for the same in most Corrupt and Unlawful Manner.*

XVI. THAT he hath deluded and betrayed his Majesty and the Nation in all Foreign Treaties and Negotiations relating to the late War, and betrayed and discovered his Majesties Secret Councils to his Enemies.

XVII. THAT he was a Principal Author of that Fatal Council of dividing the Fleet about June 1666.

THE Clerk having read them a Second time, it was moved, That in regard the Articles were many they might be referr'd to the Committee to see how far they were true, because Fame was too slender a Ground to bring a Man upon the Stage. Sir Fran. Goodrick seconded the Motion, because new Matter was now added to what was formerly charged *Viva Voce* in the House, and after some Debate and Contest about it, the first Article was read to see what could be said to induce the House to Impeach; upon which Sir Robert Howard and the Lord Vaughan said, they heard from Persons of Quality, that it would be proved. As to the Second Article, the Lord St. John said Persons of great Quality had assur'd him to make it good; and if they perform'd it not he would acquaint the House who they were: Mr. Seymour as to the Third Article alledged that sufficient Persons would make it good, with this Addition, when he received the Money he said, *So long as the King is King, and I Lord Chancellor, the Parents will stand.* The Fourth and Fifth Articles, Sir Richard Temple said, divers had undertaken to make good; if they did not, he would Name them; and for the receiving Money of Vintners Sir Rob. Car said that he knew who would prove it.

ABOUT



ABOUT the Earl's getting a great Estate so suddenly, Mr. Seymour supposed they needed no Proof, the Sun shone at Noon-day. Sir Thomas Littleton urged, that the Matter of Fact in the Article was easily made out, for his Place as Chancellor could not be worth above 4 or 5000 l. per Annum. Then, About introducing an Arbitrary Government in the Plantations, Sir Thomas Littleton and Sir Thomas Osburn alledged, that one Farmer and others came from the Barbadoes to complain of it, and lodg'd their Petition in that House, but were Imprisoned, that they might not be heard. And for frustrating Proposals for preserving Nevis, &c. Sir Charles Wheeler said my Lord Chancellor only opposed it.

You have a Story before given you about the Chancellor's holding Correspondence with Cromwell, but whether the House now went upon that, or some other Information they had about it, I know not: However, this Matter admitted of some Debate, and Mr. Swinford said, that it was Pardon'd by the Act of Indemnity; to which Mr. Vaughan replied, the Committee were aware of that, but the Defendant might plead it, and prove that he was not outlaw'd; and Sir Char. Wheeler added, he wanted not clearly to prove it: and Sir Robert Howard alledged, that for such secret Things as these he ought to plead, notwithstanding the Act of Oblivion, that the World might know who were undiscerned Enemies. But Mr. Hambden opposed it, and urged it was not only an Act of Parliament, but Oblivion; and no Man ought to be so much as Accused for what was done before; to this Mr. Vaughan having made a Reply, the Act was read, by which it plainly appeared by Mr. Swinford's Ob-



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servation that the Clause for Pardon was Absolute, and any Man accused pleading it should not be Sued, nor his Fault mentioned, and this was to Offences and Offenders: And for those who betrayed the King beyond Sea (who were excepted) they must be Prosecuted within Two Years. It's possible it might be objected, he said, that he might plead that Act. But by the same Rule any Man who committed a Fault, during the Troubles, might be put to plead it for Pardon.

THIS brought those Two great Lawyers, *Maynard* and *Vaughan*, over, the first professing there should be Candour in their Proceedings, did they therefore believe that Great Man was Outlaw'd: If not, how should they accuse him of what they believed not true? And the other said, when he was satisfied of a thing he was not ashamed to own it: That he found now, having perused the Act, that it was within the Clause. The Indemnity was general, and he was within it, if not excepted; that the Exception reached those who held Intelligence with the King's Enemies, so as they should be Prosecuted within Two Years, that he was not therefore was clear; so that upon the Debate the Article was expunged the Paper without a Vote.

THE Sale of *Dunkirk* coming next under Consideration, Sir *Thomas Osborn*, now Duke of *Leeds*, said a Great Lord told him that the Earl of *Clarendon* had made Bargain for *Dunkirk* Three Quarters of a Year before it was known. As to the Article of Sealing Dr. *Crowther's* Patent, Mr. *Streeter* said, the King gave the Living to *Crowther*; that in the Grant there was a Mistake of a County; *Crowther* finding the Mistake, petition'd the King to amend it; that



that the King called for the Chancellor and Seal, and in the King's Presence it was amended and Sealed. To this *Sir Thomas Littleton* replied, that the Crime seem'd as great as a Chancellor could commit; the King was to present by such a Day, so that the King (by Act of Parliament) had lost his Right. That the Chancellor did alter the Patent, and the Record was fetched away by one of the Chancellor's Servants, and brought back rased and alter'd, which might be done (and in other Cases was done) where a Word only had been mistaken; but that was in Case of something perfectly in the King's Power, and to save new Sealing: But here could be no new Sealing, the time being elapsed: That it was to throw another Man out of his Freehold, and was a great Crime.

*MR. Thompson* said, *he should be able to make good the Article of drawing Mens Lands into Question; and for Quo Warranto's to Corporations, Sir Thomas Littleton* said, it was so publick a Thing that it needed not to be proved. *Sir Robert Howard* doubted not but the Business about the Settlement of *Ireland* would be made out; and for Foreign Treaties, it would, according to *Sir Thomas Littleton*, appear by the Treaties themselves, putting them in hopes of Peace, and so hindering the Fleet's setting out. *Mr. Thompson* said, *he did not want Persons to make good the Article about the Miscarriages of the War.* But as to the Earl's saying, that the King was an unactive Person, and indisposed for Government, and upon Debate it appearing probable that the Words were spoken before the Act of Oblivion, it passed over.



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*AS to the Customs*, Sir Richard Temple said he had been informed that the Earl had a share for Under-letting the Customs, and 40000*l.* Bribe for getting pretended Debts from the King; and Sir Thomas Osborn was positive the Earl of *Clarendon* said, 'Bid who would for the Customs, none should have them but the Old Farmers.'

HAVING gone over the Articles, and a Member moving that they should know where and when the Words were spoken, it was answered that would be a Way to Suppress the Evidence; and at last the Question being put whether the House had sufficient Inducement to Impeach, it was carried in the Affirmative.

ON the 9th of *November* the First Article being Read, a long and learned Debate arose whether to accuse him of Treason upon it, but was carried by a great Majority in the Negative: The Second Article was debated, but not voted: The Third and Fourth were soon carried against the Earl: The Fifth had the same Fate as the Second: The Sixth, Seventh, Eighth, and Ninth, were read and voted: But the Tenth, (which is indeed the Eleventh in the Preceding Articles, because that of corresponding with *Cromwell* was left out, and so you must regulate the succeeding Articles) admitted of a strenuous Debate, and at last was passed by, without determining whether it was Treason or not: The Eleventh, Twelfth, Thirteenth and Fourteenth, were carried without Opposition: As to the Fifteenth Article, after Debate it was carried Impeach of Treason.

HAVING thus gone through the Articles against the distressed Earl, (tho' in reality



reality but with very little Colour or Probability of Truth in any of them, ) they resolved that an Impeachment of Treason, and other Crimes and Misdemeanours, should be carried up to the Lords against him by Mr. *Seymour*, who accordingly went up; where at the Bar of the Lords House, the Lord Keeper *Bridgman* being come thither to meet him, he delivered himself to this Purpose.

My Lords,

**T**HE Commons Assembled in Parliament having been informed of several Traiterous Practices, and other high Crimes and Misdemeanours committed by Edward Earl of Clarendon, a Member of this Honourable House, have commanded me to Impeach him, and I do accordingly Impeach him of High Treason, and other Crimes and Misdemeanours, in the Name of the said Commons, and of all the Commons of England: And they have farther Commanded me to desire your Lordships to Sequester him from Parliament, and to Commit him to safe Custody, and in convenient time they will exhibit Articles against him.

THE Lords not satisfied with this general Way of Impeaching the Earl, on the 15th of November sent down to desire a Conference in the Painted Chamber.

AT which the Earl of Oxford delivered a Paper in Writing (without any Debate) to this Effect. ' That the Lords had not Committed the Earl of Clarendon, because the Accusation was only of Treason in general, ' without charging him with any thing in particular. Being return'd,

MR:



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M R. *Garraway* said, I had rather the House should lose the Punishment of this Man, (tho' a great Offender,) than that this House should lose its Priviledge; for if this House may at no time Impeach a Lord without giving in particular Articles, it may fall out to be at a time (as in the Duke of B——s Case) where a Great Man by his Interest with the King procures the Dissolution of the Parliament, and then the Accusation falls.

MR. *Vaughan* said, either you can justifie your Proceedings, so as to satisfie the Lords what you have done, or you cannot; you must name a Committee as well to consider what you are to do if your Reasons satisfie not, as to draw those Reasons.

M R. *Sollicitor*, without doubt this House was not mistaken in demanding that the Party accused for Treason should be Committed, that is, that Treason is worthy of Commitment; and you can but find Presidents that Persons have been accused of Treason, and thereupon have been Committed: But the Case is this, Treason is an Offence, for which Bail cannot be taken; the Lords tell you not, they will or will not Commit: But it is true, Persons have been Committed for Treason, and Persons accused of Treason Judges may Commit or not.

CONSIDER this Law. Let the Crime be what it will, an Imprisoning till the Charge is given is but an Imprisoning for Security, not to Punishment, otherwise the Law is not Just; and if the Judges of the *King's-Bench* have a Judgment of Discretion, whether to Commit, or not, can we wonder that the Lords have not Imprisoned till they know the Article, when they have Judgments of



of Discretion, tho' they knew it? You may find Presidents, but it is not an Argument it must always be so: But as the Judges have a Latitude much more than the Lords, the Impeachment from the Commons of *England* is properly the King's Suit, for there is no Treason but against him; and if the Judges may Bail in that Case, may not the Lords? But you are not told he shall be Bailed, but they desire to know what his Crime is, and then you shall know their Answer; the Resolution seems reasonable, having gone no farther; I cannot except against it.

M R. Solicitor having done, and Sir *Thomas Littleton* saying the *Long Parliament* had some good Presidents, which they were not to cast away, lest they smarted for it, it was resolved to resume the Debate on the 16th, when Mr. *Vaughan* began thus.

THE Lords do not say Commitments should follow, because Treason isailable by the *King's-Bench*; it's true, the *King's-Bench* Bails for Treason, but how? If Persons be brought thither for Treason directly there is no Bail, but when a Commitment is by the Council-Table for Suspicion of Treason, then if the Matter fall not to be what was expected, they give Notice to take Bail, else the Great Article of the Great Charter, namely, that Justice should not be delay'd nor denied, would be to no Purpose; and in such a Case a Man may be in Prison for ever. On the other Side, what is the Case of Committing for Treason? When a Person is Committed by the Council-Table, they say they do no more but by special Command of the King, and that is the Ground of his Committing, and were not this so what would follow? Intelligence would



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would be given of a Treason discovered, wherein many might be concerned, and if they who Commit, should Commit with the Treason, all the Complices would escape, and therefore sometimes they make it Treason General. Then for the Case, before you have gone up with a Charge of Treason generally, which is to the Lords a Warrant sufficient for Commitment, say they, we will know the Particulars; then will not the same Inconveniencies follow if other Persons be concerned, and so the Danger of all exposed upon the Nicety?

IF a Business comes before this House which concerns others, and may prove Treason, if we go to the Lords (for we have not Jurisdiction, except in Case of our Priviledges,) but yet are not ready to bring up Particulars, and desire the Lords to apprehend such Persons, would it be reasonable for them to refuse it, there being no Inconvenience like to follow the doing it, much the not doing it? I say, not to Commit them, and we not Prosecute, for that is Delay of Justice.

*Qu.* But why do the Lords refuse?

*Ans.* Tho' I have great Respect to the Lords, yet to clear something in Point of Priviledge, the Lords have the same Priviledge with us in Point of Speech, their Members, &c. as they are essential to pass Laws; but that great Priviledge which they often assume as Peers, is as the King is there present in the highest Court: How then will it fall out in respect of this Priviledge? If the King be there, there be many Things which the Lords as Peers cannot pretend to; for the King hath often sat there, not only in passing Bills, but in Judgment. Had this Charge then come before the  
King



King there, it had been Reason if the King should have said, *I desire to know what this Treason is*; we must then have told it, because he whom it concerned required it; or if we desire Commitment, he who could Release or Pardon him might say, *let him be Bailed*. The Lords indeed retain this Priviledge, but it is in the King's Right, not as Peers.

NOW we have carried a Charge, if the Lords Bail him I know not what would follow; for no Example can be given of it, and I think they will not do it if the King do not direct it.

ON the other Side, I would be glad we might be no more troubled than is necessary, because others are listening what we do, and think there is nothing in the Case; therefore I am not for Delay, but satisfying others that what we have done is not barely for Imprisoning the Earl of Clarendon, but for Justice; and if you go this Way, give the Lords the Reasons why we sent the Charge as we did, and yet keep up their Priviledges, and declare so to them.

BUT then we must go up with more than that Head on which we resolved to Impeach of Treason; for your Articles must be so formed as to make it a Charge fit to be Answer'd for Time and Place, and that Article hath something of that which must be penned, so as to make it more certain; for the Article goes but thus, *That there was Discovery, and Betraying of the King's Councils to his Enemies*; and if you leave it there, those who scruple doing any Thing, because particular Treason is not mentioned, will say, *you say he hath Discovered and Betrayed Councils to Enemies*; but *as we trust not what is Treason, but we will know it, so we know not whom you mean* by



1667. by Enemies, for we may think them not so; therefore appoint a Committee to form Articles.

M R. Sollicitor Finch was the next that spoke, saying, It is a great Mistake to say, That the Power of the *King's-Bench* to take Bail for Treason is no other but what is asserted, as if the Judges there had only Power from *Magna Charta*. When a Man is Committed upon Suspicion of Treason, and no Prosecution follows, and the Party bringing his *Habeas Corpus*, the Bench Bails him, because he should not lye there eternally: It is not to be said the Judges Bail for Treasons seeing no Crime is produced: For when a Man hath been accused of Treason for Coining false Money, and brought to the Bar, the Judges have Bailed him, not because they ought, but from the discretionary Power wherewith the Law trusts them; they may Bail if they will, for no other Judicature but they can Bail in that Case: For seeing Imprisonment before Trial is only that the Prisoner may be forthcoming, if they see there is no Danger of escaping they may take Bail, for he is a Prisoner when Bailed, and the Bail is his Keeper: But there are few Cases of this kind wherein they will Bail; they have a Fundamental Power to do it, placed in them to preserve the Rights of the Crown; and the Lords will not think themselves less trusted with the Rights of the Crown then the *King's-Bench*. Yet tho' the Lords may Bail, they will not exercise their Discretion when there is a probable Truth in the Impeachment; shall we then refuse this Intimation from the Lords? Who saying, because they have not a particular Article of Treason do not secure, seem to imply,



ply, that if they had they would, tho' they might refuse. The Right of Bailing comes not from an imaginary Apprehension of the King's sitting there, tho' some Kings have sate there in Judicature, but from their Inherent Authority of being trusted with the Right of the Crown: Let us do then what becomes us, and not let the Impeachment miscarry upon a Misunderstanding, but draw up the Article. But how is it possible to draw it as an Article, which you expect he should be imprisoned upon? For your Impeachment is in the Nature of an Indictment, and must contain so much of Certainty as to put him to Plead, that so he may not Demur.

HOW may it then be Circumstantiated, so as that he may be put to plead? If you do it according to 25 *Edward III.* (for discovering the King's Secrets to his Enemies is within that Statute) the first Part of the Article is not Pleadable; for we must shew how he adhered to the King's Enemies, and we must add what the Counsel was that he betrayed, else he will deny to Plead, and say I can avoid it: Therefore consider what kind of Certainty this Article must have to make him Plead: For the other Articles, it's enough to say them, without proving Time or Place, if the Facts were after the Act of *Oblivion*; but in Treason the Matter must appear in the Indictment, for he hath liberty not only to Plead not Guilty, but to avoid it; therefore prepare the Article accordingly.

THE Solicitor having ended, and Mr. *Vaughan* saying, that what was moved was to put them upon an impossible Business, for an Article presented from the Parliament needed not that Certainty, as if it were to be tried



1667. at the *King's-Bench*; Sir Thomas Littleton added, that it was not for the Honour of that House to recede so easily from such a Privilege, for, besides the Earl of *Strafford's Case*, they had express Presidents for, but none against, us. They had heard that they must have no more Impeachments, because they were dangerous, and tended to Rebellion. Let them consider the Archbishop of *Canterbury's Case*, *Finch*, *Ratcliff*, and others in the *Long Parliament*, and they should not so easily part with them. *William Delapool* being commonly reported to be no true Man, (which was a less Charge than Treason,) desired he might acquit himself, and the Lords required no special Matter before they Imprison'd him, and afterward he was accused more Specially.

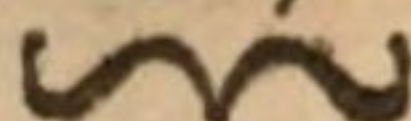
THEN Sir Robert Atkins instanced in the Case of *Anselm*, Archbishop of *Canterbury*; that the Commons Accused him, but the Lords did not Commit him, and gave no other Reason for it, but that he was a great Man, and yet afterwards he was Condemned as a Traitor, tho' the King reduced his Punishment only to be Banishment. That tho' a Privilege was much spoken of, yet he should never be fond of any Privilege which should Intrench upon his Liberty as a Subject.

NOW Mr. *Vaughan* having said that he heard it objected, That as they charged a Lord generally, so might the Lords a Commoner; but that could not be, for the Lords could cause a Commoner to be Committed, tho' for Treason, without their Consent: Therefore moving to put a Question, whether a Committee shall be Named to draw up Reasons to justify what they had done, it was carried in the Affirmative; and on the 18th of *November* they



they brought them into the House, and they were these that follow.

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**FIRST**, What can or ought to be done by either House of Parliament is best known by the Customs and Proceedings of Parliament in former Times; and it doth appear by Example, that by the Course of Parliaments the Lords have Committed such Persons as have been generally Charged by the *House of Commons* for High Treason to safe Custody, tho' the particular Treason hath not been specified at the time of such Charge.

**SECONDLY**, That a Commitment for High Treason in general is a Legal Commitment, and if the Party so Committed bring his *Habeas Corpus*, and the Cause of his Commitment thereupon be returned for High Treason, generally he may lawfully be remanded to Prison by the Judges upon that Return.

**THIRDLY**, If before securing the Person the Special Matter of the Treason should be alleged, it would be a ready Course that all Complices in the Treason might make their Escape, or quicken the Execution of the Treason intended, to secure themselves the better thereby.

**FOURTHLY**, If the *House of Peers* should require the particular Treason to be assigned before the Party Charged be secured, they leave the Commons uncertain and doubtful, (and that from time to time,) how particular they must make their Charge to their Lordships Satisfaction, before the Offenders be put under any Restraint.

**FIFTHLY**, The Commons conceive, that if they should desire the Lords to secure a Stranger or Native Commoner, upon suspicion of Treason, which the Commons had of him, and which



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was by them under Examination to be Evidenced to their Lordships in due time ; their Lordships in Justice for the Safety of the King and People would secure such Person or Persons, upon the desire of the Commons, and in such Case there should be no Difference between a Lord and a Commoner so desired to be secured.

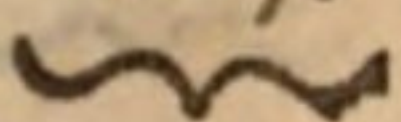
*SIXTHLY*, The Proceedings of Inferior Courts, between the King and the Subject, or Subject and Subject, and the Discretion of Judges in such Courts, is bounded and limited by the Discretion of the Parliament which trust them ; and 'tis not left to the Discretion of the Judges in ordinary Jurisdiction to give the King, or take from him, inconvenient Power for the Subject, nor to dispence the Law partially between Subject and Subject for Malice or Affection ; but the Discretion of the Parliament, which is the whole Publick, comprehending the King, Lords and Commons, (for the King's Presence is supposed to be in the Lord's House,) is, and ought to be unconfined for the Safety and Preservation of the whole, which is Itself.

IT cannot be malicious to a Part of itself, nor affect more Power than already it hath, which is absolute over Itself and Part, and may therefore do for Preservation of itself whatsoever is not repugnant to Natural Justice.

M R. *Prynn* not liking the first Reason, because it could not be called a Custom where only One Parliament had done it ; Mr. *Swinford* said , That the great Strength lay upon this First Reason, and was like to be a President ; for exact Presidents he found none, except that of *Michael Delapool*, and in the



the long Parliament: But they should consider the Reason why there was no exprefs President before, and what was the Custom of Parliaments before. That the Parliament was not wont to proceed formerly by Bill, and thus that proceeding made against the Lords now, and for committing the Party accused; for then the Proceedings upon Treason were by Common Law, and because the Judges could not proceed, therefore the Parliament went by Bill, and it could not be supposed that the Parties were at liberty all that while.

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THE *Second, Third, Fourth, and Fifth* Reasons being Voted, and the *Sixth* Read, Mr. *Sollicitor* said he was against it, not as a Reason, but unnecessary; for if the former Reasons satisfied not, this would not, because it supposed things not in Question; that their Debate must at last end in this Question, betwixt Priviledges of Parliament and former Proceedings; and there being no Priviledge in Case of Treason, why should not former Proceedings sway? Except they call that Treason which was not, for otherwise no Priviledge would help.

THEREFORE he would add this to their Reason, that there was no Priviledge for Treason, and the Lords ought not to think that the Commons would call that Treason which was not; or if they did, the Lords might by a speedy Trial determine it.

THE Commons now desired a Conference with the Lords, and the Reasons were carried up; and the Lords on their Part, on the 21<sup>st</sup>, sent down to the Commons to desire a Conference. But the Commons doubting that if they should consent to it, the Lords might afterwards refuse a Free Conference, because the Business in Dispute concern'd Judicature, which



1667. belong'd to the Lords, and so the Impeachment generally fell; they resolved to send an Answer by Messengers of their own, and accordingly did, with Order to acquaint the Lords how far they had proceeded, and they expected they should rather have desired a Free Conference.

ON the 23d the Debate about the Freedom of Speech in Parliament was resumed.

AND the Report read of Proceedings about Sir *John Elliot*, Mr. *Holles*, &c. 5 Car. I. upon which Mr. *Sollicitor* said, If you are satisfied that the Judgment passed upon them was Illegal, Two Ways you have to be safe; by taking notice of that Judgment, giving your Opinion upon it, and carrying it up to the Lords, that Judgment will be utterly Damned; else you may proceed by Act; but consider then the Consequence: For if you go by Act, you bound the Liberty of Speech, unless in penning it you prevent it; but an unknown Limitation is better than bounding, for an Act itself is subject to Exposition, but your Vote, and the Lords Concurrence, is not.

THEN Mr. *Vaughan* took the Word, saying, It is not safe for you to Circumscribe Privileges, therefore that must be done which may take away what destroys them. The Laws and Rights of this Kingdom are Rights by Common Law, or Act of Parliament; what is an Act of Parliament may be Repealed by Parliament, what is Common Law may be altered by Parliament, and whatever is both may be altered by a *New Law*; and how is it possible to do one or the other without Liberty to speak about it? And how can there be any Inconvenience about Freedom of Speech, about  
any



any Thing which cannot be a Law without passing King, Lords, and Commons.

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THEN it being moved to put the Question for confirming that Report, and being replied that some Passages in that Business, *viz.* about the keeping the *Speaker* in the Chair, were not warrantable, and so not to be joined in the Question with the rest. Mr. *Vaughan* stated the Business to them thus; The House is to adjourn itself, tho' sometimes the King advised them to adjourn themselves, (as then he did,) but the Adjournment is always made by a Question, and without it the *Speaker* cannot leave the Chair. The *Speaker* acquainting the House then with the King's Message, Sir *John Elliot* stood up to speak, but the *Speaker* would not hear him, but was going to leave the Chair; whereupon some said, If you go out without a Question the Parliament is dissolved, upon which he was leaving the Chair: Some kept him, and told him, If this be a House, you as *Speaker* have no Place in it but the Chair, and this was all the Irregularity in that Business so much talk'd of.

MR. *Vaughan* having done, the House resolved, that the Judgment given against Sir *John Elliot* &c. 5 *Car.* was an Illegal Judgment, and against the Freedom and Priviledge of Parliaments. The Lords sent for a present Conference, after which Report was made that the Lords had Voted, the *Commons* denying them a Conference lately was contrary to the Course of Parliamentary Proceedings, and gave Reasons why it was not yet time for a Free Conference; upon which the *Commons* on the 25th having resolved to grant them that the *Commons* agreed to the Conference formerly desired, the Lords declared at it, that they had



1667. considered of the Presidents and Reasons formerly sent them by the Commons, but were not satisfied to secure the Earl of *Clarendon*, or to Sequester him from Parliament, until some Special Treason were Assigned.

A Free Conference ensued on the 28th, which was reported next Day by Mr. *Vaughan*, where the Lords told them, That no President could be against the Law; to which the Managers answered, That if that could be made good, they should press Presidents no more, but what they most stood upon was the *Petition of Right*, where 'twas provided that none should be Committed without Special Cause, whereby the Party might Answer according to the Law; thence they inferr'd that the *Commons* Proceedings were against Law; because a general Charge was against the *Petition of Right*; that the Case of the *Petition of Right*, rightly stated, would clear it, which was this: Some Persons were Committed by no other Warrant but the King's Special Command, they bring their *Habeas Corpus* to the *King's-Bench* to know the Cause: This Cause was returned by the Judges, that they could not Bail a Man, when so Committed, because they knew not the Cause, nor had any Way to bring him to his Trial.

THEN the *Petition of Right* provided that the Cause should be returned, whereby the Crime might appear; and that before and after the *Petition of Right* to that Day, if upon bringing a *Habeas Corpus*, it were returned that the Party was Imprison'd for Treason, the Judges ought to remand, unless there were some Special Cause to make them take Bail. So that the *Petition of Right* was against them; for they said a Man ought not to be Imprison'd upon a general Charge, because 'twas against the



the *Petition of Right*: The *Commons* said it was 1667.  
 not against the *Petition of Right*, because the  
 Judge might remand the Party, if there were  
 no Special Cause.

THEN the Lords said, That the Reason  
 why the Judges remanded in that Case was,  
 because the Party Committed knew it was for  
 Treason, therefore they Re-committed. The  
*Commons* owned it, because it was the Rule for  
 the Judges to proceed by, but that was no Rule  
 for Proceedings of Parliament: For as a Magi-  
 strate Commits for Treason, and is supposed to  
 be acquainted with it; so also is he with the  
 Probability upon the Proof: But the Lords in-  
 sisted not now upon that, but to specify Treason;  
 and if the Course of Parliaments so much va-  
 ried in such Cases, that was no concluding  
 Proof why they should have a Special Treason.  
 And for the other, that upon the Return there  
 should be a Cause returned, that so the Party  
 might Answer; for when a Return was made,  
 if the Cause be such as that the Party ought  
 not to be Imprisoned, the Judges freed him,  
 otherwise they left him to come to his Trial.

THEN to the President about the Earl of  
*Strafford* they replied, That it was made in  
 Bad Times. And the *Commons* answered, That  
 as good Laws were made before, in, and after  
 that time, as any other; and if the Lords then  
 might make such Laws, they could not see  
 why it should be a good time to make  
 Laws, and no good time to administer to  
 Persons the Laws already made. Farther, to  
 their *Objection*, that in the time whence those  
 Presidents were brought there was a Face of  
 War. They answered, That could not alter  
 the Case, for the Law call'd no time a time  
 of War, whilst the Courts of Justice had free-



1667. freedom as they had when *Strafford*, *Finch*, *Canterbury* and *Ratcliff* were Impeach'd ; and it was strange that in the Parliament House there should be such a Consternation as to make their Proceedings invalid, when in other Courts there were none : Besides, in *Holland* of many Years there was a constant Scene for War, and could we imagine that there was not Justice done at that time.

THEN they pressed Presidents against the *Commons*, One 14 *Ed. II.* against the *Spencers*, where a Great Man moved the King to commit one of them, and the King answered, *It could not be unless Cause was shewed.* They Replied, This was<sup>a</sup> a President like that, a Man was Committed because he was Committed, for there was no Allegation of Treason. The Second President was 38 *Hen. VIII.* against the Lord *Stanhope*, the *Commons* mov'd the King to Imprison him, and the King Answered, *He would consider of it.* They Answer'd, That was no denial, but a thing usual with the King ; and that Motion was to the King himself, which differ'd from this Case, for that was not alledged to be Treason : Besides, had it been Treason, it was against the King himself, and being an Offence against himself, he might (if he would) not Imprison, because he might Discharge a Man, or Pardon him, tho' for Treason ; but this Case was not so, because the Lords Justice was but Ministred to the King.

THE Lords farther urged the 21 *R. II.* *Arundel*, Archbishop of *Canterbury*, as they said, was Impeach'd of Treason, but not Committed. The *Commoners* Answer'd, That the Case was this, there was a Commission Issu'd out by *Ric. II.* that that Bishop and others should

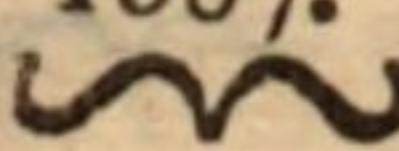


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should regulate what was amiss by Evil Government, and the King was offended at the granting of it, and at *Nottingham* sent for the Judges, and charged them upon their Allegiance to give a true Answer to what Questions he should ask them; and the First Question was, *Whether that Commission so granted was not invading his Prerogative?* They Answered, *Yes*, Then he asked, *How they ought to be punished who procured it?* They Answered, *As Traitors.* That in the 21<sup>st</sup> the Bishop was charged by the *Commons*, and the Treason alledged was, That he had procured himself to be put into the Commission. That this being the Case, they said, That if a Fact were called Treason, which afterwards appeared to be none, there could be no Commitment; for if a Man call'd another Man's coming into his Ground Treason, it fell of itself; therefore the Bishop was not Committed.

THE Lords said farther, That all those Articles were declared to be Treason, which before could not possibly be Treason to commit a Man, because the Nature of them must be Treason at Common Law; and till these Treasons were declared, which was not till 21 *Ed. III.* they were not Treason so as to Imprison or try any Man for them. The Commons replied, That all that Parliament was Repealed, yet the President was the more Authentick. Then about the Earl of *Strafford's* President, the Lords said, that the very Impeachment was taken away by the Act of this Parliament, because the Impeachment was recited in it; namely, Whereas the Earl of *Strafford* was Impeached &c. but every Clause in that Act of Attainder was taken away now, therefore the Impeachment; and they could not make use of  
any



1667. any part of it. They reply'd, It was true, the  Act of Attainder was taken away, but the very Act of Repeal did not recite that very Clause, (whereas *Thomas* Earl of *Strafford* was Impeached, &c.) and the Act could not take away any thing which strengthened its own Supposition.

THEN the Lords said, That they should be willing to comply with the Commons, but that they must be tender of their own Judicial Proceedings. The Commons own'd it was true, they ought, and they supposed that the Lords might be jealous that the Commons should intrench on their Power; but the Commons were so far from that, that they thought the Judicial Power better lodg'd with them than in the Commons themselves it could be; but they would open the Objection. Their Lordships being the Judges in that Case, might think that for the Commons to take upon them to know what was Treason, would be an assuming to themselves what was only proper to the Lords, and that it was so now in Charging the Earl of *Clarendon* generally. The Lords owning the Objection was right, the Commons answered. For our knowing Treason, we have many among us who are Justices of Peace, trusted by Law to Know and Commit, (and if the Parliament be not Sitting,) even to Commit a Peer himself for Treason; and the knowing what is Treason is so far from being improper to the House of Commons, that every Man in the Nation is bound to know it; for was it ever known that Ignorance of the Law could ever excuse a Man for breaking the Law? Laws were made to be known by Subjects, especially those which concerned the King; and unless they could find a Reason why the Parliament



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liament Embodied should be more Ignorant than Particular Persons, the present Case must be clear. That the Jealousie of the Lords arose from a Fallacy thus: The Lords had Judicial Power concerning Treason, and must of Necessity know it; the Commons had no Judicial Power over it, therefore could not know it; that is, because the Commons know what Law is, therefore they have Judicial Power over Law. To this there was no Reply made, so that the Commons went on, and said, That because they insisted upon Specifying Treason, because by Committing upon a General Charge they might wrong the Party by Committing him without Cause; and because they themselves were not informed in their Consciences what they did, they would do well to consider the many Inconveniencies which might follow, if the Charge of Treason was not General, but Particular: And suppose it was Special, their Lordships would know no more by it. For suppose a Man Impeached for Counterfeiting the Great Seal, which was expresse Treason, and he might be Impeached for it, yet neither their Lordships nor the Party could have any Advantage by that Specification, because there might be as many Questions what was Counterfeiting the Great Seal, or what was Treason. For Instance, one *Leak*, a Clerk in Chancery, intending to Forge a Patent, put together Two Pieces of Parchment, and had fitted them, and put them so together with Mouth-Glew, that they appeared as One: Then a Grant was written upon the outmost, and a Seal affixed, so that the Great Seal was put to a true Thing; then he cut off the Edges of the Parchment, so as to sever them, took off the Written One, and left the Seal on the Blank, then Forged the Grant



Grant, and made use of it. This was question'd before the Judges, whether 'twas Treason or not ; that is, whether Counterfeiting the Great Seal, or not ? If it were, it was Treason, otherwise not. They resolved it was not Counterfeiting the Great Seal, and so not, but Imprison. And if it had been Treason, they resolved, that an Indictment had been enough to Impeach him. Then suppose you had such an Impeachment before you for Counterfeiting the Great Seal, you have Special Treason, and might Imprison him ; but when it was brought to Question, it appeared not to be Treason, therefore he was wrong Imprison'd : And if their Lordships would examine what Knowledge they had of this Fact, they had no more than if it had been a general Treason.

THE Lords said, There was a Case put such as they were content to take for Special Treason, but expected not the Proof as there it was. The Commons made Answer, If it were put, so was their Lordships Reply, for it was put *ex Concesso*, because they agreed that if the Treason was Special, the Party was to be Committed, and this Case was to show their Lordships they were in no better Case than if the Treason were general.

BUT the Lords still pressing that the Impeachment itself of the Earl of *Strafford*, was Repealed in the Act about him, the Commons replied, That one part of the Act ought to be severed from the other, and that which was without Exception should stand, tho' the other were taken away : For suppose a Man Prosecuted in a Court of Justice for what he apprehended to be his Right, and yet the Cause went against him, and he had no Effect of his Suit, afterward the Party (being an Evil-minded



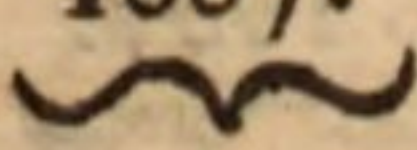
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ed Man, and thinking to reach his Ends,) should Forge a Deed, or Suborn Witnesses, and then begin a Suit in some other Court, and by those Ways attain his Ends; then a Bill comes before this Parliament to reverse the Judgment, reciting, That such a Person had been a Suborner of Witnesses, &c. so and so, and therefore the Judgment is made void; certainly tho' this Person was Named to be an Evil-minded Person, yet this lay no Blemish on his First Proceedings. So that it appear'd by the Act, that the Proceedings against the Earl of *Strafford* were legal at first, if those afterwards, when the Times became tumultuous, were not, it is not to be applied to what was well done and legal: Then they told them, That they pressed them with Four Presidents, and to Three of them nothing was replied.

THE Lords answered, That the Reason why my Lord *Finch* was not Committed, was because of his Flight; the Commons said, He was fled before the Impeachment; but it was ordered, That he should be Committed when found; then they told them, that they must report to them, That be the Treason what it would, they could not go to the Lords to have it punished without that Disadvantage, which the Publishing the Treason beforehand would expose them to, by making of Witnesses, escaping of Parties, and the like; then desired them to consider, Whether if they should lay before them a Treason in every thing circumstantiated, as the *Gun-Powder-Treason*, they would not Imprison the Party till the whole Matter was opened.

THE Lords seem'd to wonder to hear that Case put, for in Matter of State other Courses were to be taken; and they could see no Inconveniency



1667.  veniency in Publishing that to the Lords, which must be Published before 400 in the House of Commons ; whereas the Commons on their Part said, They could proceed with what Secrecy or Openness they pleased, and the Lords were not to take Notice of their Proceedings, whether Open or Secret. Farther, That by a Matter of State must be understood when a Parliament was not Sitting, and we knew not whither to resort; but when a Parliament was particularly called to prevent the Mischiefs threatening the Kingdom, if that were not capable of Remediying them, no other Council could; or if they were not bound to resort to that, they were excluded from that to which they ought to resort.

HERE the Lords desiring the Commons to take heed of the Liberty of the Subject, to which they were now fain to have Regard, and bidding them consider the Bishop of *Canterbury*'s long Imprisonment, without knowing the Cause ; and they must satisfie their Consciences, lest they should Commit for Treason, and it did not prove so ; the Commons replied, that it did not appear the Archbishop of *Canterbury* should have lain less time, had the Impeachment been Special: And for the Liberty of the Subject, they knew not how a Subject should have more Liberty by Special Matter than General ; Special being but adding a formal Title, and the Subject went to Prison as well for the one as the other. As for their Consciences, suppose a Person accused generally, they were then to know whether it were Treason ; and was it not as much that they Committed an Innocent Person so, as if the Matter was Special?

ON



ON the Second of *December* the Lords 1667.  
sent down a Message to the Commons by Two  
Judges, to this Effect, That upon the Report  
made to them of the last free Conference, they  
were not satisfy'd to Commit or Sequester from  
Parliament the Earl of *Clarendon* without the  
particular Treason were mention'd or assign-  
ed.

THE Commons much chafed with the  
Message, and the Lord's Steadiness in not Com-  
mitting the Earl; Sir *Robert Howard* spoke  
to this Effect. The Matter before us, is of as  
great Concernment as ever came before us; if  
there should be Malice suppos'd in a Nation  
against itself, it might be exercised by giving  
a Particular Charge, as well as a General, ma-  
ny of the Lords are convinced by the Reasons  
we gave and concur, thinking our Presidents  
good, and have entred their Protestation in the  
Lords House, asserting the Rights of the Com-  
mons of *England* to Impeach generally; so that  
(excepting the Spiritual Lords) I think I may  
say the Major Part of the Lords are for us; and  
should we put up this, we may be wrested out  
of all Right, and the Commons have no Way  
to proceed to an Impeachment, but some Men  
to be so great, as not to be fairly reach'd. There-  
fore adhere.

NEXT stood up Mr. *Waller*, and said, The  
Lords are a Noble Estate, but whatever the  
Matter is, they have of late some Advice given  
them, which makes them proceed as they ne-  
ver did yet; for scarce any thing happens be-  
twixt us, but they encroach upon us. The *Mi-  
litia* is now as burthenfome to the Fifty Pound  
Man in the Country, almost as all other Tax-  
es, and the Lords have gotten this Advantage  
on us, that they touch not the Burthen of it  
S with



1667. with their Finger : So in the time of the Plague the Commons must be shut up, but not they, infomuch that a good Act provided to that purpose passed not. We Impeached the Lord *Mordant*, and could not bring him to the Bar, (tho' formerly I have known an *Earl* and a *Lord* brought thither) you desired a free Conference about it, but could not obtain one to this Day. *Rome* was at first Modest, and only meddled with *Spirituals*, but afterwards concerned themselves so much with other Matters, that every Thing almost was made to be in *Ordine ad Spiritualia*, and many Kingdoms thereupon broke from them. The Lords now insist upon One Thing, because they say 'tis in order to their Judicature, perhaps hereafter they will tell us we must come to them on our Knees, because it is in order to their Judgment. Consider therefore whether there be any hope of giving them Satisfaction ; then, whether you will adhere, or what you will do afterwards, for the present my Motion is to adhere.

MR. *Vaughan*, who seemed indeed all along to be the leading Man in this Matter, took it up, and said, 'Tis truly enough affirmed that the Business before you seems to be as great as hath been in Parliament, many of the Consequences being invisible ; therefore before you resolve what to do, take the whole Matter before you. The Difference between the Lords and us is upon a general Impeachment of Treason ; the Lords after a free Conference say, they will not Commit unless Special Treason be mentioned or assigned ; those whom you employed to manage the Conference were very unwilling to differ with them, but it seems it hath produced nothing, and I have nothing to make me believe but that the Reason is, that the Lords were resolved



solved (say what we would) not to be satisfied: For I know nothing which they offer'd, but it was fully answer'd, nor any thing left undone to satisfy them, if they would have been satisfied; what I have to say now is to clear something which the Lords may make much Noise about. When we urged Presidents, and made them our Principal Reason, we told them the Way to decide what was in Difference betwixt the Houses was, the Usage of Parliaments; but to our Presidents we received no full Answer.

THEN the Lords used this Reason, namely, that they cared not for Presidents, because it was against the Express Law of the Land. I answer'd them we would join with them, if they could shew Law against it, and expected what they would answer, but heard nothing: Much Discourse there was, without Application, of the Great *Charter*, and of the Statute of 28 *Edw. III.* but not applied: So that I thought Law in a Lord's Mouth was like a Sword in a Lady's Hand, the Sword might be there, but when it comes to cut, it would be awkward and useless.

BUT I hear since that their meaning was this, (which must be cleared by mentioning some Laws) that by *Magna Charta* it was provided, *That no Man shall be taken or Imprisoned, or Condemned but by the Law*; and thence they infer, That no Man may be Imprisoned, but it must be by the Peers, or by the Law of the Land. Again, by the 5th *Edw. III.* No Woman shall be attached upon Accusation, or be adjudged of Life or Limb, but according to the Law. By the 25th of *Edw. III.* no Man shall be taken by a Petition to the King or his Council, unless by Indictment of Lawful People,



1667. ple, or by Process of Writ at Common Law, and (says they) this Case is to none of these. By the 4th of *Edw. III.* no Man shall be Imprisoned without due Process according to the Old Law of the Land: But this Case being neither by Presentment nor Indictment, the Lords would not stand upon our Presidents, but relied on this, as if it were enough in Bar of all our Presidents.

THEREFORE to open this, and the Danger of the Consequence, there are in the Land many different Laws, and Proceedings in these Laws, and Imprisonment upon them; and yet not one of them by Presentment, Indictment, or Trial by Peers, tho' the Lords thought this was the Law, and there was no other.

1. IT is known that the Crown-Law or Prerogative, is a distinct Law from that between Party and Party.

2. THERE is the Law and Custom of Parliament, called a Law, *ab omnibus querenda, a multis ignorata, & a paucis Cognita.*

3. THEN the Canon-Law, (and it is much the Bishops forgot that) and there is nothing in that Law more than standing in a White Sheet, which proceeds not by Indictment or Presentment, yet there is Imprisonment even in that Law.

4. THERE is the Law of Admiralty, and the Articles of *Cleron*, where there is Proceedings of another Nature, and by Imprisonment.

5. THE Law of Merchants, or of the Staple.

6. THE Law of Arms, where is Imprisonment and Death, and yet different Proceedings from the Common Law in the Great Charter: Now no Man thinks that all those Courses of Proceedings are taken away by the Common-Law, and it is gross Ignorance to think it.

7. THE



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7. T H E Law of the Forest, which is most different: So that to urge *Magna Charta* to this Purpose, as if all Proceedings in those Cases must be according to the Common-Law, is absurd.

T H E N there are divers Writs in the Register.

O N E, When a Man hath received the King's Money to serve him, and went not, then there is a Writ to arrest him upon a Certificate from the Captain under whom he was to serve.

T H E N the Ordinary Writ, which belongs to the Law Ecclesiastic, *de Excommunicato Capiendo*.

A N O T H E R, *de Apostata Capiendo*, to recover a Regular Runaway from his Convent.

A N O T H E R, called *ne exeat Regno*, to Imprison a Man, who will not give Security not to go out of the Kingdom, and this is not traversable anywhere, because it suggests that he will Machinate somewhat hurtful to the Kingdom, and upon that Suggestion he is Imprisoned.

A N O T H E R, When a Man hath a *Leprosie*.

A N O T H E R, to Burn *Hereticks*, which concern'd the Bishops also, if they had pleas'd to think of it.

T H E S E Proceedings are no Way agreeable to those mentioned in the Common-Law.

T H E N consider how this *Resolution* of the Lords strikes at the Law of Parliaments.

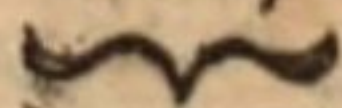
1. I T is certain that all Imprisonment by Parliament is not by Presentment, Indictment, &c. So that by this Means that Power is taken away.

2. C O N T E M P T against Parliamentary Authority, whosoever he is to appear before them, and disobeys them, they may Imprison him in the *Tower*, and yet it is not against *Magna Charta*.

W H I T H E R therefore tends this?



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THE Conclusion must be, that no Impeachment by the *Commons* must go on, unless it be by Presentment, and so there is an End of all that for which the Parliament is principally called, unless we are part of those 500 Contemptible Ones, who are only fit to give Money; *That* may be reserved for us, but nothing else; tho' 23. Ed. III. saith, *For the Redress of Grievances in the Kingdom a Parliament shall be called every Year.* I would know which Way we should redress Abuses, if we are so far from remedying in Parliament, that we must be shut out to the Common Courses in other Courts?

*Obj.* T H E Lords may say, if you find the Statutes broken, and short, you shall have New.

*Ans.* A N D when these New Ones are broken, then they shall have a Remedy; so rise up Remedy, and go to the Remedy, *ad infinitum*, for there is no Reason to think that a Second Law shall be maintained more than the First, and what Way a Mischief shall be redressed other than by Parliament, I know not. So that by this *Resolution* of the Lords, and denying to commit upon this Ground (for they shew'd no other) every Thing for which a Parliament is useful is denied us.

A F T E R all this come to the very Case. If a Treason be committed, and the Fame is that A. B. is guilty of it, it is lawful to Apprehend him for it. If *Hue and Cry* pursue a Man, though he be not of evil Fame, yet he may lawfully be Imprisoned: If it proves false, he hath his Remedy; but that obstructs not the Law to bring him to Trial: Any Watchman may Arrest a Night Walker, and hath a VVarrant in Law for it, and this is as good Process in Law, as any Original VVrit.

A N D after all this, consider with what kind of Colour, when there are weighty Reasons  
why



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why we should not mention special Treason, and that mentioning it generally answers the Petition of Right, the whole Commons of *England*, (who are in no Degree represented by the Lords, they only represent their own Persons) should be denied the securing a Person Impeached, unless a particular Charge be given, how prejudicial soever to the Kingdom.

ANOTHER Thing, there is no Right which a Man hath in this Land, or any Part of the World ; but his Right is such, that if it be kept from him, he hath a means to come to it, otherways it is *Damnum sine Injuria* ; for where the Law gives no Remedy, there is but Supposition of Right: By the same Measure it will follow, that there is no civil Wrong can be done to any Man, but the Law provides a Remedy if that Wrong be done ; and if by the Law there is no Remedy, it is no Wrong ; consider then this Case.

T H E R E are in this Kingdom, in the Civil State of it, Three Estates, which the King hath then in making Laws. There are Three Estates, whereof the King is Principal ; sometimes they are mentioned as the King's Three Estates, and he none of them: The Estates in general are the Commons of the Kingdom, (who are perfectly represented in this *House*) the Lords another, and the King another, and these are such, that there is no Petitory Action, nor the Laws directed to any one of them, but the Laws you make are to distribute Justice in other Courts. For Instance, if all the Commons of *England* ( who are One of the Estates) should Accuse one of themselves, the Party can have no Wrong, because the Parliament can have no Action brought against them, nor can they be supposed to do any thing for Malice.



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IT is the same between the Body of the *Lords* and *Commons*; and there is no Law either to Vindicate the one or the other; but they stand as if there were no communicable Law betwixt them: But the Measure between them is that which is good for the whole; for they are the Makers of Laws for others, but no Laws can be fancied to reach the whole of the *Commons*, or of the *Lords*. So that 'tis easily to be seen how it hath been put upon us; so that now we are in such a Case, we know not to what end we shall proceed upon this or any other Impeachment; for by this Judicial Power you shall be excluded from any Proceedings by Laws of Parliaments; and so you take away the whole Right of the Kingdom.

BUT now what shall you do? I see many Inconveniencies which may happen both Ways, but I see so many this Way, that if any Man gave such Council as is charged upon the Earl of *Clarendon*, it is not so dangerous as the Case before you; for the Inconveniencies attending that Council would quickly shew itself by the Misery following: But this is a small thing begun with, which, like a Canker, may eat till it be incurable, and that is as absolutely justifiable as this.

AND now I have said this, I am perplexed what to say more, for all can bear me Witness what Respect I have endeavoured to preserve to the *House of Peers*; but I am so sensible of this, that tho' I cannot forget my Respect to them, yet I must lament the Condition into which they have brought themselves first, and us next, for they cannot think to avoid it. The *House of Peers* is but a New Stile called so, as *Furors* are called *Peers* from the Word *Par*; for every *Commoner* hath



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hath his *Peers* as Lords have; and the whole *Stile* formerly was *Archbishops, Bishops, Dukes, &c.* but *Pares Regni* is a new *Stile*. It is called the *Upper House* and is to be look'd upon with Reverence. The Lords have a Jurisdiction, but in this Case I must be plain, their granted Jurisdiction ariseth from the *House of Commons*, if you Impeach not there, their Judicial Power will be very little. If a Lord be to be Tried for Treason, the Lords are but his Jurors; and tho' they Try him upon Honour, not upon Oath, yet they are no more his Triers, than as out of Parliament: The Judge of Treason in the Lords House is Constituted by the King as a Lord *High-Steward*, and there is no other Judge; therefore I know not the Judicature they speak so much of.

THERE is another for Writs of Error, which are there determined, but the Jurisdiction of that is very little; for the Inconveniency of the Lords determining what could not be determined in other Courts is so found out 25 *Eliz.* they are to be brought first into the *Exchequer Chamber*.

THERE is another Way when Persons carry Complaints to the Lords, which yet is a Question, for Commoners ought not to carry Complaints there, except in some Cases from *Chancery*; therefore this Matter of Jurisdiction, which they talk of, is not such a wonderful Thing as they would make it.

THEREFORE whatever we shall do after it, your Rights being so much concerned, that you know not where the Stay will be, it is necessary that you make a Committee to draw up a Protestation to be made by this House concerning this Matter, the Invasion of your Right in it, and the Danger to the Kingdom by it.

M R.



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MR. *Vaughan* having thus learnedly stated Matters, Mr. *Colembine* took the Word; that the Lords say, That committing upon a General Impeachment was against Law, and he thought it would appear so, he deny'd not; but a *Mittimus* without special Cause was Legal, and grounded upon the Petition of Right; the Reason of which was to secure Men against Commitment by a special Warrant, and a Judge ought not to discharge where Treason was alledged: But in this Case it was different; the Judges could not discharge a Man Committed after Examination, but the Lords ought not to Commit a Man, except there were particular Treason. That if he came before a Justice of Peace, and said, I accuse this Man of Treason, would any wise Man Commit him? He made his Warrant indeed, but he that accused must go farther, and make it more Particular, and the special Matter must appear before he Commit; and this was the present Case.

THE Common-Law was, That no Man ought to be Committed without particular Cause; because no Man could Commit in Capital Matters, without taking Examination before hand, otherwise no Man could justify a Commitment: Therefore he was not satisfied that the Lords had not reason to deny it. That the Commons were in the Nature of a *Grand-Jury* to Present, but the Lords were the *Judges*; that Commitment was not the Judgment, but in order to it, and the Lords had a Discretionary Power in the Case: That the Lords said not that they would not Commit, but that they were not satisfied to do it without special Matter, therefore they ought to send it up.

THIS



THIS is the only Gentleman that we have heard to say any thing that looked to favour the Earl of *Clarendon*, and the Proceedings of the House of Peers, for a long time, and I think with a great deal of Reason; to which Sir *Robert Howard*, who spoke next, made no direct Reply, but said he had attended the Reasons given against making a Protestation, and whatever was said was but levelling a House of Commons with every private Accuser; a Justice of Peace (it was said) must have Evidence before he Commit, and that House had had Inducements to Impeach, and might not a House of Commons judge what was Treason as well as a Justice of Peace? The Inconveniencies and Dangers laid before them if they proceeded were nothing in Comparison of those on the other Side.

H A D the Lords Imprisoned, they had before this had the particular Charge, and the Protestation was not to stop it, but to make Way for it some other Way; for it would resolve into a Remonstrance, by which they might give the Nation an Account of their Proceedings, to come to a Tryal of the Business.

T H I S Business of a Protestation started a fresh Debate, and Mr. *Vaughan* saying, that by the Protestation spoken of was meant to preserve the Rights of that House upon the whole Matter, and to give the Reasons of their Proceedings. Sir *Thomas Meers* did not think what he had said sufficiently explained, that if it were but to enter it into their Book, he was not against it, but if an Appeal to the Nation, he pray'd them to consider what they did.

M R. *Vaughan* reply'd, That this Way of Protestation differ'd from entering in their Books, but the best Way was to draw it up, and to bring it to them, and then any Man might take  
Ex.



1667.  Exceptions against it; for the meaning was, That this House Claim'd its Rights. But Mr. *Garaway* proposing first to make their Protestation, and then Appeal to the King.

MR. *Vaughan* rejoined, that none could surmise that they mean an Appeal to the People by what was moved, for what was done must be done to some Part of the Parliament; the King, Lords, or themselves: And they who spoke of it (if it were done with Evil Intent) deserved to be called to the Bar; that when it was brought before them for their Approbation, they might either retain or reject it.

HERE Sir *Walter Young* desiring, that the House might know before hand to whom they were to remonstrate, and on what Ground, and therefore to Adjourn their Debate then. Mr. *Trevor* would have had what Appeal they made to be to the King, but to bring it into the House, and give it what Name they pleased. But Sir *Robert Atkins* said, that as he would be tender of their Priviledges, so of giving Offence to the Lords, therefore they should endeavour to be unanimous in that House; that a Protestation was Named, he was a Stranger to it, and would understand clearly what it was before they did it; that it was a Course warranted by Presidents and Proceedings of Parliaments, considering what Effect it had had in the late times, therefore they might do well to adjourn the Debate, and consider of it. Sir *Thomas Littleton* told them, that Protestation would be like that in the Lord *Maynard's* Case, but somewhat longer, and ought to go farther than to one of the Estates, and be kept within the Walls.

HERE Mr. *Swinford* broke Silence, and said, You sent up a Charge to the Lords in general, desiring that the Earl of *Clarendon* should be



be secured, and in convenient Time you would send up Articles; from that Time it hath not been done, and the Lords have passed several Votes, about it since, but you have not passed one.

FIRST they Voted that they had not complied with your Desires for want of particular Treason; then you gave them Reasons, they are not satisfied with them; then a Free Conference, they are still unsatisfied; and all this while you have not come to any Resolution: So that till you come to a Vote, no Man knows but that you are satisfied with their Answer; for when the Matter of the Protestation is brought in, we shall not be ready for it till we have resolved that what the Lords insist on is an Obstruction of Justice, and you cannot agree with them without great Inconvenience to the Nation; therefore put a Question, *That the Lords, not having agreed to secure the Earl of Clarendon upon the General Impeachment, have obstructed the Publick Justice of the Kingdom in Proceedings of Parliament, and is of dangerous Consequence:* This is necessary, because the Lords have heard nothing from you, but endeavour to satisfy them.

SIR John Goodrick replied, that this Question would be a greater Accusation of the whole House of Lords than the other was of the Earl of Clarendon. But if they would go by Way of Protestation, and keep it within their own Walls, he liked it better than that Question, but Sir Robert Howard would have the putting of the Question to be no Charge upon the House of Lords; and therefore if that Gentleman thought it so great an one, sure he thought the Charge against the Earl of Clarendon to be a very small one. Was there any Obstruction to Justice? If not, why did they not comply? If there was, they could not it seems complain, without



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without Charging the Lords. The keeping it within their own Walls was but like a Man, when he was alone muttering Arguments to himself, and commending himself for it. That if they met with any Obstructions, he prayed them first to put the Question whether they were obstructed.

SIR Robert Atkins said, it is no light Matter to Charge the Lords with Obstructing Justice, therefore the thing being new, pray Adjourn it till too Morrow, that we may be more of one Mind.

AT length the Question was stated, ' That the  
' Lords not having complied with the Desire of  
' the Commons in Committing the Earl of *Clarendon*, and Sequestering him from Parliament  
' upon the Impeachment from that House, was  
' an Obstruction to the Publick Justice of the  
' Kingdom, and a President of Evil and Dangerous Consequence, and carried in the Affirmative: Then having appointed a Committee to draw up a Declaration to vindicate their Proceedings, they had next Day, the 3d of *December*, a Message from the Lords that they had received a large Petition from the Earl of *Clarendon*, which intimated that he was withdrawn. After some reasoning upon it, they had on the 4th, (*viz.* the same Day on which the King was pleased to declare the Earl should be divested of his Place of Privy Councillor) another Message from the Lords to desire a speedy Conference which was delivered by the Duke of *Buckingham*, who said to this Purpose.

T H A T the Lords had Commanded him to deliver to them that Scandalous and Seditious Paper sent from the Earl of *Clarendon*, desiring them to present it to them, and to desire them in convenient time to send it to them again, for it had a Stile which they were in love with, and desired to keep it.

H O W



HOW ironically soever his Grace of *Buck-* 1667.  
*ingham*, who was notoriously known to be no  
 Friend to the Earl, delivered himself in this  
 Message; the Petition itself is writ in so Noble  
 a Style, and with such an Air of Candor and  
 Sincerity, that it must be inserted here in its  
 full length.

*To the Right Honourable, the Lords Spi-*  
*ritual and Temporal, in Parliament Assem-*  
*bled: The Humble Petition and Address of*  
*Edward Earl of Clarendon.*

*May it please your Lordships.*

I Cannot express the Insupportable Trou-  
 ble and Grief of Mind I sustain under  
 the Apprehension of being misrepresented  
 to your Lordships; and when I hear how  
 much of your Lordships Time hath been spent  
 upon the mention of me, as it is attended  
 with more Publick Consequence, and of the  
 Difference in Opinion, which hath already, or  
 may probably arise, betwixt your Lordships and  
 the Honourable House of Commons, whereby  
 the great and weighty Affairs of the King-  
 dom may be obstructed, in a time of so ge-  
 neral Dissatisfaction. I am very unfortunate  
 to find my self to suffer so much under Two  
 very disadvantageous Reflections, which are  
 in no degree applicable to me.

THE First, From the Greatness of my E-  
 state and Fortune, collected and made in so  
 few Years; which if it be proportionable to  
 what is reported, may give reasonable Cause  
 for my Integrity to be suspected.

THE Second, That I have been the sole  
 Manager and chief Minister of all the Trans-  
 actions of State since the King's Return into  
 England, to August last; and therefore that  
 all Miscarriages and Misfortunes ought to  
 be imputed to me and to my Counsels.

CON-



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‘ CONCERNING my Estate, your Lordships will not believe that after Malice and Envy have been so inquisitive and sharp-sighted, I will offer any thing to your Lordships, but what is exactly true : And I do assure your Lordships in the First Place, That (excepting the King’s Bounty) I have never received or taken One Penny, but what was generally understood to be the just and lawful Perquisites of my Office, by the constant Practice of the best Times ; which I do (in my own Judgment) conceive to be that of my Lord *Coventry*, and my Lord *Elefmere*, the Practice of which I constantly observed ; although the Office in both their times was lawfully worth double to what it was to me, and I do believe now is.

‘ THAT all the Courtesies and Favours which I have been able to obtain from the King, or other Persons, in Church, State, or *Westminster-Hall*, have never been worth me Five Pounds ; so that your Lordships may be confident I am as innocent from Corruption, as from any Disloyal Thoughts ; which after near Thirty Years Service of the Crown, in some Difficulties and Distress, I did never expect would have been objected to me in mine Age. And I do assure your Lordships, and I will make it very manifest, that the several Sums of Money, and some Parcels of Land, which his Majesty hath bountifully bestowed upon me since his Return into *England*, are worth more than all I have amounts unto : So far I am from advancing my Estate by Indirect Means. And though this Bounty of his Majesty hath very far exceeded my Merits, or my Expectations, yet some others have been as fortunate, at least in the same Bounty, who had as small Pretences to it, and have no great Reason to envy my Condition. I had  
the



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the good Fortune to serve a Master of very great Judgment and Understanding, and to be always joined with Persons of great Ability and Experience; without whose Advice and Concurrence, never any thing hath been done.

BEFORE his Majesty's coming into *England*, he was constantly attended by the Marquis of *Ormond*, the late Lord *Culpepper*, and Mr. Secretary *Nicholas*, who were equally trusted with my self, and without whose joint Advice and Concurrence, when they were all present, (as some of them always were) I never gave any Counsel.

AS soon as it pleased GOD to bring his Majesty into *England*, he established his Privy-Council, and shortly out of them a Number of honourable Persons of great Reputation, (who for the most Part are alive still) as a Committee for Foreign Affairs, and Consideration of such Things, as the Nature of them require much Secrecy: And with these Persons he vouchsafed to join me, and I am confident the Committee never transacted any thing of Moment (his Majesty being always present) without presenting the same to the Council-Board: And I must appeal to them concerning my Carriage, and whether we were not all of one Mind in all Matters of Importance: For more than Two Years I never knew any Difference in the Council, or that there were any Complaints in the Kingdom; which I wholly impute to his Majesty's great Wisdom, and the entire Concurrence of his Council, without the Vanity of assuming any Thing to my self: And there-



1667. *W* therefore, I hope I shall not be singly charged with any Thing that hath since fallen out amiss.

BUT from the time that Mr. Secretrary Nicholas was removed from his Place, [*which was on the 2d of October 1662. and no more but One Year and Four Months since the Restoration, and the Earl's Prime Ministry,*] there were great Alterations; and whosoever knew any Thing of the Court or Council, knew well how much my Credit since that Time hath been diminished (tho' his Majesty graciously vouchsafed still to have my Advice in most of his Affairs;) nor hath there been from that Time to this above One or Two Persons brought into the Council, or preferred to any considerable Office in the Court, who have been of my intimate Acquaintance, or suspected to have any Kindness for me; but most of them known to have been very long my Enemies, and of different Judgment and Principles from me, both in Church and State; and who have taken all Opportunities to have lessened my Credit to the King, and with all other Persons, by Misrepresenting and Misreporting all that I said or did; and persuading Men that I had done them some Prejudice with his Majesty, or crossed them in some of their Pretences, tho' his Majesty's Goodness and Justice was such, that it made little Impression upon him.

IN my humble Opinion, the great Misfortunes of the Kingdom have proceeded from the War, to which it was notoriously known, that I was always most averse; and may without Vanity say, I did not only foresee, but I did declare the Mischiefs  
we



we should run into, by entering into War before any Alliance with the Neighbour Princes : And that it may not be imputed to his Majesty's want of Care, or the Negligence of his Counsellors, that no such Alliances were entered into ; I must take the boldness to say, That his Majesty left nothing unattempted in order thereunto : And knowing very well that *France* resolved to begin a War upon *Spain*, as soon as his Catholick Majesty should depart this World ; which being much sooner expected by them, they had in the Two Winters before been at great Charge in providing plentiful Magazines of all Provisions upon the Frontiers, that they might be ready for the War : His Majesty used all possible Means to prepare and dispose the *Spaniards* with that Apprehension, offering his Friendship to that Degree, as might be for the Security and Benefit of both Crowns : But *Spain* flattering it self that *France* would not break with them, at least that they would not give them any Cause, by administering Matter of Jealousie to them, never made any real Approach towards Friendship with his Majesty, but both by their Ambassadors here, and to his Majesty's Ambassadors at *Madrid*, always insisted as Preliminaries, upon the giving up of *Dunkirk*, *Tangier*, and *Jamaica*.

BUT *France* had an Ambassador here, to whom a Project for a Treaty was offered ; and the Lord *Hollis*, his Majesty's Ambassador at *Paris*, used all Endeavours to promote and prosecute this Treaty ; yet it was quickly discerned, that the principal Design of *France* was to draw his Majesty in-



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‘ to such a nearer Alliance as might advance  
 ‘ the Design, without which, they had no  
 ‘ Mind to enter into the Treaty proposed.

‘ A N D this was the State of Affairs,  
 ‘ when the War was entred into with the  
 ‘ *Dutch*; from which time, either concerned  
 ‘ themselves with the making of Alliance  
 ‘ with *England*.

‘ A S I did from my Soul abhor the enter-  
 ‘ ing into this War, so I never presumed to  
 ‘ give any Advice or Counfel for the way of  
 ‘ managing it, but by opposing any Proposi-  
 ‘ tions which seemed to the late Lord Trea-  
 ‘ surer, and my self, to be unreasonable; as  
 ‘ the Payment of the Seamen with Tickets,  
 ‘ and many other Particulars which added to  
 ‘ the Expence.

‘ M Y Enemies took all Occasions to in-  
 ‘ veigh against me, and making Friendship  
 ‘ with others out of the Council of more li-  
 ‘ centious Principles, as who knew well e-  
 ‘ nough how much I disliked and complained  
 ‘ of the Liberty they took to themselves of  
 ‘ reviling all Counfel, and Councillors, and  
 ‘ turning all Things serious and secret into  
 ‘ Ridicule: They took all Ways imaginable  
 ‘ to render me ungrateful to all sorts of Men,  
 ‘ (whom I shall be compelled to Name in my  
 ‘ own Defence) persuading those that mis-  
 ‘ carried in any of their Designs, that it was  
 ‘ the Chancellor’s Doing, whereof I never  
 ‘ knew any thing.

‘ H O W E V E R, they could not withdraw  
 ‘ the King’s Favour from me, who was still  
 ‘ pleased to use my Service, with others;  
 ‘ nor was there ever any Thing done but up-  
 ‘ on the joint Advice of at least the major  
 ‘ Part of those that were concerned. And  
 ‘ as



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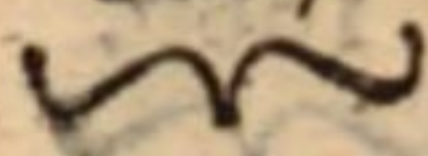
as his Majesty commanded my Service in  
the late Treaties, so I never gave the least  
Advice in private, nor wrote one Letter to  
any Person in any of those Negotiations,  
but upon the Advice of the Council; and  
after it was read in Council, or at least by  
the King himself, and some other. And if  
I prepared any Instructions or Memorials,  
it was by the King's Command, and the  
Request of the Secretaries, who desired my  
Assistance: Nor was it any Wish of mine  
own, that any Ambassador should give me  
Accompt of the Transactions; but to the  
Secretaries, with whom I was always ready  
to Advise: Nor am I conscious to my self  
of ever having given Advice that hath pro-  
ved Mischievous or Inconvenient to his Ma-  
jesty: And I have been so far from being  
the sole Manager of Affairs, that I have not  
in the whole last Year been above twice  
with his Majesty in any Room alone, and  
very seldom in the Two or Three Years  
preceding.

AND since the Parliament at *Oxford*, it  
hath been very visible that my Credit hath  
been very little, and that very few Things  
have been hearkned unto, which have been  
proposed by me, but contradicted, *eo nomine*,  
because proposed by me.

I MOST humbly beseech your Lord-  
ships to remember the Office and Trust I  
had for Seven Years; in which, in Dis-  
charge of my Duty, I was obliged to stop  
and obstruct many Men's Pretences, and to  
refuse to set the Seal to many Men's Par-  
dons, and other Grants, which would have  
been profitable to them which procured  
them; and many whereof, upon my Re-  
presentation



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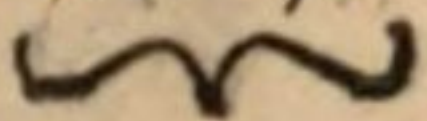
‘ presentation to his Majesty, were for ever  
 ‘ stopped ; which naturally have raised many  
 ‘ Enemies to me.

‘ AND my frequent concurring with the  
 ‘ late Lord Treasurer, with whom I had the  
 ‘ Honour to have a long and a fast Friend-  
 ‘ ship to his Death, in presenting several Ex-  
 ‘ cesses and Exorbitances, (the yearly Issue  
 ‘ so far exceeding the Revenue) provoked  
 ‘ many Persons concerned, of great Power  
 ‘ and Credit, to do me all the ill Offices they  
 ‘ could. And yet I may faithfully say, That  
 ‘ I never meddled with any Part of the Re-  
 ‘ venue, or the Administration of it, but  
 ‘ when I was desired by the late Lord Trea-  
 ‘ surer to give him my Assistance and Advice,  
 ‘ (having had the Honour to serve the Crown  
 ‘ as Chancellor of the *Exchequer*) which was  
 ‘ for the most Part in his Majesty’s Presence,

‘ NOR have I ever been in the least De-  
 ‘ gree concerned in Point of Profit, in the  
 ‘ letting any Part of his Majesty’s Revenue ;  
 ‘ nor have ever treated or debated it, but in  
 ‘ his Majesty’s Presence ; in which, my Opi-  
 ‘ nion only concurred always with the major  
 ‘ Part of the Counsellors who were present.

‘ ALL which, upon Examination, will be  
 ‘ made manifest to your Lordships, how much  
 ‘ soever my Integrity is blasted by the Malice  
 ‘ of those, who, I am confident, do not be-  
 ‘ lieve themselves. Nor have I in my Life,  
 ‘ upon all the Treaties, or otherwise, recei-  
 ‘ ved to the Value of One Shilling from all  
 ‘ the Kings and Princes in the World, (ex-  
 ‘ cept the Books of the *Louvre* Print, sent me  
 ‘ by the Chancellor of *France* by that King’s  
 ‘ Direction) but from my own Master ; to  
 ‘ whose entire Service, and to the Good and  
 ‘ Wel-

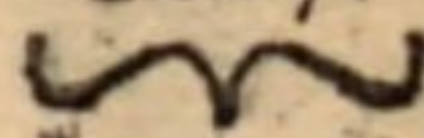


‘ Welfare of my Country, no Man’s Heart  
‘ was ever more devoted. 1667. 

‘ THIS being my present Condition, I  
‘ do most humbly beseech your Lord-  
‘ ships to retain a favourable Opinion of  
‘ me, and to believe me to be Innocent  
‘ from those foul Aspersions, until the  
‘ contrary shall be proved ; which I am  
‘ sure can never be, by any Men wor-  
‘ thy to be believed. And since the  
‘ Distemper of the Time, and the Dif-  
‘ ference between the Two Houses in  
‘ the present Debate, with the Power  
‘ and Malice of my Enemies, who give  
‘ out, That they shall prevail with his  
‘ Majesty to Prorogue or Dissolve this  
‘ Parliament in Displeasure, and threaten  
‘ to expose me to the Rage and Fury of  
‘ the People ; may make me be looked  
‘ upon as the Cause which obstructs the  
‘ King’s Service, and the Unity and  
‘ Peace of the Kingdom : I must hum-  
‘ bly beseech your Lordships, that I  
‘ may not forfeit your Lordship’s Fa-  
‘ vour and Protection, by withdrawing  
‘ my self from so powerful a Prosecu-  
‘ tion ; in hopes I may be able, by such  
‘ withdrawing, hereafter to appear, and  
‘ make my Defence : When his Maje-  
‘ sty’s Justice, to which I shall always  
‘ submit, may not be obstructed nor con-  
‘ trouled by the Power and Malice of  
‘ those who have sworn my Destru-  
‘ ction.



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WHEN this Address came into the Hands of the Commons, it occasioned a new Turn in their Debates, which was begun Artfully enough by Mr. *Vaughan*, in this manner: 'That he thought it not convenient to lose ' more Time about that Paper. Since the ' Time of the Earl of *Clarendon's* Name being ' mention'd there, he had nothing to Charge ' him, with till now; but most of the Heads ' of this Charge were so weighty, that he ' was confident they would be easily and ' thoroughly proved, tho' he knew not how; ' so that he admired at his Confidence, to ' Charge this House, and so the Nation, as ' his Persecutors, and that in such a Condi- ' tion, as he hoped to vindicate himself. It ' was the first time that ever he heard an In- ' nocent Man run away under the greatest ' Charge, with hopes to return again and ' vindicate himself.

' THEN he desired them to mark one ' Expression; in that he said, *He was as far ' from Corruption, as from Disloyalty.* If he had ' said, he was guilty of neither, he had said ' Something; but by that Expression he ' might be guilty of both: So insolent a ' Paper he never met with in this Kingdom, ' nor had he ever read the like in any other; ' so inconsiderable a Part of the Nation as He ' was, to lay it upon the Nation, who, if In- ' nocent, might defend himself, if guilty, ' why did he charge the Nation with Perse- ' cuting? Therefore without troubling them- ' selves with it, let them do as the Lords had ' done; who deliver'd it to them as a Scanda- ' lous and Seditious Paper; that it had Ma- ' lice in it, and was the greatest Reproach ' upon the King and the whole Nation ' that



that ever was given by Man. Therefore  
he proposed to put the Question, Whether  
his Paper should not have the Character,  
that it was a *Scandalous and Malicious Paper*,  
and a *Reproach to the Justice of the Nation*?  
And it was carried in the Affirmative.

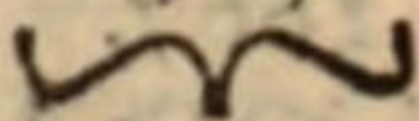
UPON this, Sir *Robert Howard* moving,  
That this Paper should not live, but be burnt  
by the common Hangman; Mr. *Garraway* said,  
The Paper was the Lords, and they must  
send it to them, but enter it into their  
Books, and the Vote upon it: Resolved to  
have it burnt.

ANOTHER having moved, That the  
Paper being the Lords, they should move  
them to concur that it might be burnt: Up-  
on which, Sir *Robert Howard* said, 'The Mean-  
ing of this was, because the Duke of *Buck-*  
*ingham* desired the Paper again for the ad-  
mirableness of the Stile, it was entered in-  
to their Books already, and they needed it  
not to that End; therefore let them desire  
the Lord's Concurrence to burn it.

A MOTION being made on the 5th of  
*December*, to send to the Lords in pursuance of  
the Vote about burning the Paper: Mr. *Vaugh-*  
*an* was against sending to the Lords to that  
purpose, because they had Ordered to en-  
ter the Paper into their Books; and when  
a Paper was burnt, it was not to stand up-  
on Record, but should be rased out; which  
Two Things were a perfect Contradiction,  
therefore let it rest as it was; they had  
Voted it *Scandalous, &c.* The Lords told  
them, not that they had done any such  
Thing, tho' they ought to have done it  
first; That as for the Earl of *Clarendon*, he  
being now gone, if such a like Occasion  
should



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‘ should fall out, they were in a worse Con-  
 ‘ dition than they had been ; for there was  
 ‘ this Precedent against them, in a Case now  
 ‘ manifest : And it became them to do  
 ‘ something in order to the Lords concur-  
 ‘ ring, that so a good Understanding might  
 ‘ be got ; therefore he should propose this to  
 ‘ them, to be sent up to them to that end :

‘ NAMELY, When any Subject should  
 ‘ be Impeached by the Commons before the  
 ‘ Lords in Parliament with desire to secure  
 ‘ him, such Person by the Law of the Land  
 ‘ ought to be secured accordingly. This  
 ‘ they had in effect Voted already, in say-  
 ‘ ing, *The Justice of the Kingdom was obstructed*  
 ‘ *by their not doing it.*

‘ Secondly, WHEN such Impeached Per-  
 ‘ sons should be secured, the Lords might li-  
 ‘ mit a certain Time for bringing in the  
 ‘ Charge, to prevent Delay of Justice.

‘ THIS might salve all, and prevent  
 ‘ such Ways as might be displeasing to the  
 ‘ Lords, and perhaps to them also, in some  
 ‘ Cases hereafter.

HERE Mr. *Swinford* told them, ‘ He was  
 ‘ perswaded, That, according to Rules of  
 ‘ Parliament, when they charged by Im-  
 ‘ peachment generally, and promised in due  
 ‘ time to send up their Charge, they ought  
 ‘ to secure ; but they not having done it, he  
 ‘ questioned whether they could do what  
 ‘ they had done : But the Earl of *Clarendon*  
 ‘ flying, it was manifest, Justice was obstru-  
 ‘ cted ; for he might have been brought to  
 ‘ his Trial, if the Lords had secured him ;  
 ‘ but now their Vote was made good, which  
 ‘ seem’d to lay the Advantage on their Side,

SIR



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SIR *Robert Howard* being of Opinion,  
‘ That that Message to the Lords would de-  
‘ stroy the Way of vindicating themselves by  
‘ Declaration ; was for finishing the Decla-  
‘ ration ; and them to resolve, before they  
‘ publish’d it, whether to send up that Mes-  
‘ sage.

UPON which Mr. *Vaughan* said, ‘ That  
‘ if the Lords agreed with them, they might  
‘ spare the Declaration ; but if they agree  
‘ not, then they would much less hereafter :  
‘ Their Declaration could amount to no more  
‘ than this, To make a Narrative of the In-  
‘ validity of the Lords Precedents, but then  
‘ they must of Necessity do something more,  
‘ else their Labour was in vain ; therefore  
‘ this Message with these Votes were neces-  
‘ sary.

SIR *Richard Temple* said, ‘ He expected,  
‘ that when the *Earl of Clarendon* had been  
‘ fled, the Lords would have desired the King  
‘ to issue out a Proclamation to apprehend  
‘ him, seeing he had been the Occasion of  
‘ his Escape. Let them therefore now desire  
‘ their Concurrence to go to the King for  
‘ that End ; and if they concurr’d, they had  
‘ upon the Matter granted a Commitment  
‘ upon a general Impeachment.

HERE Mr. *Vaughan* told them, ‘ That he  
‘ had thought it his Duty to offer them what  
‘ he had done : If they liked it not, he de-  
‘ sired to be excused in serving them in the  
‘ Declaration ; and that they, who thought it  
‘ necessary, would be pleased to take the  
‘ Pains to do it.

BUT Sir *Thomas Lee* said, ‘ If you de-  
‘ clare, it will beget an Answer ; and where  
‘ will that end ? If you send up your Votes,  
‘ and



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and the Lords agree, your End is answer'd :  
 for it is a yielding that which they have yet  
 denied : Your declaring, and entring it  
 upon the Journal, will be to no Purpose ;  
 it is but like a Man, who having been  
 beaten publickly, in his Chamber calls him  
 who did it *Rogue*.

HERE Mr. *Hampden* expressing his Desire,  
 That the Words (*Law of the Land*) might  
 be left out, and the Words (*Law of Parlia-*  
*ment, or, Usage of Parliament*) put instead  
 of them ; for it had been shew'd them,  
 That there were several Ways of Impeach-  
 ment besides Common Law.

Mr. *VAUGHAN* said, ' Those Words  
 were purposely put in, because at the free  
 Conference, when they pressed the *Laws of*  
*Parliament*, the Lords pressed the *Law of*  
*the Land*, by way of Negative, as if the  
*Law of the Land* were otherwise ; but rather  
 than that should be an Obstruction, let  
 them put it *by Law*.

BUT Mr. *Steward* was for having them  
 to leave out the Words (*by Law ;*) for if a  
 Man was secured, it was implied by them  
 who did commit, that it was according to  
 Law.

THEN it being moved to draw both  
 Votes in one, Sir *Thomas Littleton* spoke thus ;  
 That though you should put both Votes into  
 one, it will not answer your End, for the  
 Lords will not concur with the first Part,  
 and yet may make use of what Part you  
 grant of it, that is the last, and so have  
 Advantage of you ; but there is another  
 Reason why you should forbear these Votes,  
 namely *Prudence*.

THE



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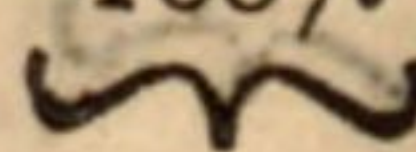
‘ THE *Earl of Clarendon* being gone,  
‘ there is an Expectation that a Bill should be  
‘ prepared to do something farther, wherein  
‘ I hope both Houses will join: If you send  
‘ up this, you will give Disturbance to that  
‘ Bill, and if you should enter this in your  
‘ Books, in order to send it up hereafter,  
‘ they will hear of it, as done to make them  
‘ swallow former *Resolves*. Therefore defer  
‘ it for the present.

HERE Mr. *Trevor* would have them consider, ‘ Whether the Matter betwixt them and  
‘ the Lords was not well as it was. They had  
‘ voted, That when a Man was generally  
‘ impeached, he ought to be secured; and  
‘ that the Lords not having done it, was an  
‘ Obstruction to Justice: And what would it  
‘ signify to carry it to the Lords? What had  
‘ since fallen out, justifies you, and lays the  
‘ Disadvantage upon the Lords. The World  
‘ expected now what they would do farther,  
‘ and that must be by concurring with the  
‘ Lords.

SIR *Thomas Clifford* said, ‘ They all agreed  
‘ to those Votes, in order to justify their  
‘ Rights; but what was the Use of it? They  
‘ had already done it in their Books; and  
‘ they could not expect the Lords should go  
‘ so much against their own Votes: This  
‘ therefore would but widen the Gap, it being  
‘ telling them, they must eat their Words.

HERE Sir *Thomas Littleton* stood up, and  
spoke; ‘ That those who had had a Hand in  
‘ the Charge against the *Earl of Clarendon*,  
‘ had been thought sometimes too violent,  
‘ sometimes too remiss, as not able to make  
‘ out the Charge: But what he spoke now  
‘ was for their Honour, which would be  
‘ wrong’d



1667.  wrong'd in that Proceeding. He was for bringing the Impeachment to something; and therefore against those Votes. Now they made a Declaration of their own Rights, and enter'd it upon their own Books, that not only the Vote might appear, but the Ground of it; but not to declare to the Lords, which would beget an Answer, and exasperate. That it was now unseasonable to make the Lords retract, therefore let them lay it aside; for though he was confident that Gentleman did it to no such End, yet if he would design any Thing to the Earl of *Clarendon's* Advantage, he could not take a better Way than this.

Mr. *VAUGHAN* having said, ' That this was but the affirming all which hath been done already; and he was for none of those who were contriving for any Thing out of the House :

' *S I R William Coventry* did not think that Question now seasonable, though it was a better Expedient than the Declaration, as Things then stood; and considering what had pass'd, he was apt to think the Lords might do it of their own Accord; and they would not willingly have a Negative to their Votes. Therefore, seeing their Votes might be of use hereafter, let them put no Question at all, but adjourn the Debate to a proper Season.

' *B U T* Mr. *Vaughan* was against the Adjourning of it, and said, He had given Testimony that he had done nothing to be thought to do that which was so much for the Advantage of the Earl of *Clarendon*; and should take heed of doing any Thing hereafter to be so reflected on.

*S I R* The



SIR *Thomas Littleton*, who thought he was meant by these Expressions, said, He hoped he had avoided any such Reflection, and did not speak any Thing to such Purpose: That he did not believe, nor ever did think, any such Thing; and hop'd that Gentleman himself believ'd, that no Man in that House had more Honour for him than he.

A T last, after Sir *Job Charlton* had desired them to let the World see, that they did not intend to restrain their Proceedings to the Earl of Clarendon, but make it a general Care; and therefore were concerned in Honour to put the Question; it was resolved, That both the Questions propounded by M. *Vaughan*, and put singly in the Affirmative, should be carried up to the Lords.

ON the 13th of December, a Bill was brought from the Lords, to banish the Earl of Clarendon; and, after reading, several Objections being made, and it being alledged, that it was an Abuse put upon the Commons by the Lords, and that a Bill of Attainder being proposed, after some Debate, the House passed this Vote:

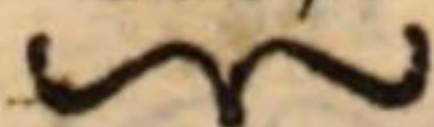
Resolved, That this House taking Notice of the Flight of the Earl of Clarendon, being under an Impeachment of High Treason by this House, the King's Majesty be humbly desired to issue out his Proclamation for summoning the said Earl to appear by a Day, and to apprehend him in order to his Trial.

Resolved, To send to the Lords for their Concurrence to this Vote.

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ON the 4th, came a Message from the Lords for a Conference; at which they delivered Two Reasons why they could not concur.

1. FOR that they conceive a Proclamation in the way proposed would be ineffectual; since it is not Subpœna Convictionis; which cannot be till Particulars in order to Trial be declared.

2. THAT what the House of Commons hath proposed, and do propose at present, is intended in order to a judicial Way of proceeding: But since the Earl of Clarendon's Flight, their Lordships, upon Consideration of the whole State of Affairs, and of the Kingdom, have, upon Grounds of Prudence and Justice, thought fit, for security of King and Kingdom, to proceed in a Legislative Way against the said Earl; and have to that end pass'd and sent down to them a Bill of Banishment and Incapacity against him, with which this Vote is inconsistent.

ON the 16th, the said Reasons from the Lords being reported and considered, and it being moved, That the House would declare themselves unsatisfied with them:

SIR Thomas Clifford was against passing a Vote at present upon them, but to have the Bill sent down from thence, read, and to summons the Earl by it to appear by a Day.

UPON which, Mr. Trevor spake thus; Some are against the Bill, because it goes too far, Condemning before Hearing; others would have it to go farther. Summons is in order to Hearing, Trial, and Judgment: Of those, he hath made himself incapable by Flight, and hath in his Paper told you, That he will neither be Heard nor tried by you: Though



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Though you expected to have him secured by a general Accusation, yet you never expected Judgment upon it. Then it is said, *This Banishment falls short of Treason*: But we are not to pass Sentence for Crimes, but as a Council propound to the King what is necessary in this Case. Then consider whether this Bill will answer our Ends; and if it doth, Delay will make it worse: I think we should make it reach them. What if he hath Life in other Parts, his Family untainted, and his Children alive, and enjoy his Estate?

S I R *Robert Carr* having now told them, That they had ordered to consider the Reasons from the Lords; therefore let them do it.

Mr. *HENRY Coventry* answered, ' That the Motion to read the Bill was not against their Order, because part of the Reasons given by the Lords was, *That you have a Bill, and till you have read the Bill, you cannot lay by the Reasons.* The Earl of Clarendon was fled: You have a Tie upon him in having his innocent Relations; and by proceeding farther, you make him desperate: You are now in an even Way with the Lords; therefore read the Bill.

T H E N Mr. *Swinford* proceeded thus: you may go upon the Reasons, and yet not reject the Bill; for when you sent to the Lords about a Proclamation, and went not upon the Bill, it was because what the Bill drives at is the highest Punishment next to Death: Therefore consider what Weight is in the Reasons; one of them seeming to put you upon the Bill, they put you there-

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' upon in a Legislative Way: They will  
 ' neither secure nor summon him, but will  
 ' condemn him unheard. They cannot se-  
 ' cure him upon a Charge of Treason, nor  
 ' yet summon him; but they can condemn  
 ' him, and this they put you upon, which is  
 ' against Honour and Justice, especially to  
 ' do it upon Reason of State. The Legisla-  
 ' tive Power of Parliaments is great: It  
 ' hath no Bound, but the Integrity and Justice  
 ' of Parliaments. If Reason of State be a  
 ' Motive of Parliament to banish one Man,  
 ' so it may be for many. If you go in this  
 ' Legislative Way, you bring upon your  
 ' selves all the Dishonour of the Business;  
 ' but the Lords will have some Excuse, which  
 ' you cannot; for they look'd upon the  
 ' Charge so slight, as not to imprison him.  
 ' The Party is gone, because he was not se-  
 ' cured, apprehending (he saith) Fear of  
 ' the Multitude, not of his Trial; so that  
 ' the Lords not giving Credit to your Charge  
 ' against him, he says, *He flies not from Justice.*  
 ' Now if upon this Bill you should banish  
 ' him, it would be said you could not make  
 ' good the Charge, and therefore laid this  
 ' Sentence upon him.

' T H E Precedent is also dangerous, if  
 ' having gone so far in a Judicial Way, you  
 ' should now go in a Legislative. If, upon  
 ' Reason of State, Lords might be banished,  
 ' it may be by Dozens: As you proceed  
 ' justly, so you will be justified.

' N O R is the Danger greater, if the  
 ' Lords go by Proclamation, and he be put  
 ' into Custody when he comes. If he can  
 ' practice any Thing, Will not he be less ca-  
 ' pable when under the Proclamation, than  
 ' when



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when this Bill is passed, which condemns him without hearing? and I am not for any Punishment, till heard. In *Cromwell's* Case, who moved in *Henry VIII's* Time to attaint a Lord unheard, the Judges declared they might, and it would stand: Afterward the said *Cromwell* was attainted and condemned unheard; and such Council usually fall upon those that counsell'd it.

S I R *Robert Howard* was the next that spoke, in this manner: The Earl of *Clarendon* saith, *That he doth not withdraw from Justice, but Fear of Tumults*; but that Reason any Man may give for his flying, if it will be an Excuse; but he might have secured himself from Tumults by rendring himself, and his Innocency upon his Trial would have cleared him. This at last may come to a free Conference: Then you may be left to go along with the King. The House riseth, and doth nothing; and then the World will see, that this Business will assure the King of *France*, That he hath a Man with him so great, as to hinder us from doing any Thing against him: Therefore, as you ought to do something against him, see whether it may not be done by the Bill, by resuming his Lands, &c. if he come not in by a Day.

A N Exception may be against this Way, namely, That there is no Attainder; but if there had been such a Bill, the Thing that should sway me should be the Duke of *York's* Marriage: So that if you commit this Bill, you may add all Severities, except that of Attainder; and if he come by a Day, then all to be void. If you go by



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‘ Proclamation, the Lords may not concur,  
 ‘ and you lose your Ends. By this Bill, all  
 ‘ favour that he can expect is shewed, and  
 ‘ this Way will be the best Confutation of  
 ‘ the Lords Reasons; therefore commit  
 ‘ the Bill.

Mr. Secretary *Morrice* having declared, He was for committing the Bill, tho’ it were condemning unheard; because he could not but conclude it would be so. *Et volenti non Injuria.* Sir *Richard Temple* was the next that spoke; ‘ You have proceeded against this  
 ‘ Earl in all ordinary Ways, and have been  
 ‘ baffled by the Lords. In *Edward III.*’s  
 ‘ Reign, *Adam de Berry* fled, and a Procla-  
 ‘ mation went against him, and the Com-  
 ‘ mons neither did, nor ever were bound to  
 ‘ deliver their Articles till the Party appear-  
 ‘ ed, and in that Case they delivered not  
 ‘ their Articles till the last Day, when he not  
 ‘ appearing was convicted. When you  
 ‘ would go by Attainder, they tell you, De-  
 ‘ liver special Matter, and we will Summon  
 ‘ him; when you ask a Proclamation, they  
 ‘ tell you, Deliver special Matter: If you  
 ‘ declare the Matter to the Court, it is upon  
 ‘ Record, and all may know it. You have  
 ‘ tried all Ways Legal and Regular, and they  
 ‘ will do you Justice in neither. Now what  
 ‘ can you do? Except you and the Lords  
 ‘ combine in Justice together, he must escape,  
 ‘ if you can be made to differ, he goes away  
 ‘ in a Smoak. If you go to the King for a  
 ‘ Proclamation, you must return to the Lords  
 ‘ for Justice. I am sorry the *Ivy* hath been  
 ‘ so near the *Oak*, that you cannot touch it  
 ‘ without touching that. There remains a  
 ‘ Bill before you, and in that you are upon  
 ‘ equal



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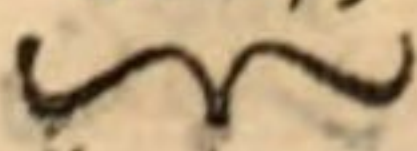
equal Terms with the Lords; therefore  
give him a Day to be heard, and if he  
come, let him, but then his Penalties are  
too low for his Crimes: Therefore read the  
Bill; go higher, degrade him of Honours,  
forfeit his Lands, and whether you will go  
so far, I leave with you.

Next stood up the Solicitor-General, and  
said, 'It is not possible to agree with the  
Lords in their Reasons, but the Reason  
must be, because the Bill is good. But if  
any Man thinks it is good upon the Lord's  
Reasons, he is mistaken; and therefore my  
Advice is, to proceed upon the Bill, tho'  
not upon the Reasons from the Lords.  
Some think the Punishment in the Bill too  
little for the Crime, others too much, be-  
cause not summon'd; so that it must fall  
out, That a Person impeached by the House  
of Commons, must see the House rise with-  
out any Marks of Displeasure upon him:  
Can any Man be heard, who will not be  
heard? Why should not you proceed in  
such a Way against him, as whose very  
Flight amounts to a Confession? And have  
you not burnt his Paper for reflecting upon  
the House? And can you think he will ap-  
pear, who is departed in Despair of the  
Court? And now you are contending to  
give him Time.

THEN consider the Thing in it self.  
Suppose the King had a Mind to attaint  
him, the King can do it without your Help,  
for he may be Outlawed for High-Treason;  
for tho' that be reverfable at Common  
Law, if he be beyond Sea, yet by two ex-  
press Acts of Parliament it is otherwise, but  
the King cannot Banish him without your



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Concurrence: Suppose him fled and attainted, so that the Question is not upon his Life, but his Estate; suppose your Justice satisfied in that, Is it not past all manner of Consideration, that the King cannot upon Application restore it? So that all you look'd for by Attainder, is done by this Bill of Banishment, for his Life is saved by Flight, as would his Estate by Compassion; but there is something in this Bill, which, without it, you can never get, that is, you put him under your Displeasure, which the King cannot Pardon; and will you have it thought abroad, that the Earl of *Clarendon*, fled as he is, hath been something too hard for the Two Houses?

*Sir Thomas Littleton* took the Word, and said, If there be a necessity of differing with the Lords, and I thought the Difference would produce such Effects, I should not speak; but they only tell you 'tis unnecessary, and ineffectual. You have impeached, and are now told, if you proceed, it will make Difference; but I fear another greater Danger than this Difference. The World will say, you were willing he should fly, because you could not prove by flying he hath forfeited his Estate; if the King give it him again, it is his Mercy; but do you Justice: Therefore press for a Proclamation, for the Bill is inconsistent with your Honour.

*Mr. KAUGHAN* closed the Debate thus: I have listned with much Attention to this Discourse, and understand it as little now as at the beginning, the Discourse being nothing adequate to that End. You have Reasons from the Lords why they agree not with you, and if you agree with the Reasons,



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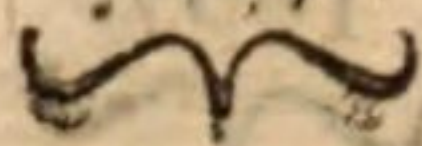
sons, the Sum is to read the Bill: But if you agree not, you must desire a Conference; and if they confer, you may have a Proclamation, if not (as I think they will not) you are where you were: We suppose him not to be in *England*, and if so, What is the Proclamation more than the King's Writ? It reacheth no Man out of the Kingdom. It's true, in some Cases, if the Persons are gone out of the Land they are Summon'd, and if they come not, their Lands are seized; but it is not by Proclamation, which signifies nothing if the Party be gone.

THEN go on: Suppose the Lord's join in desiring a Proclamation, the End of which is appearing and apprehending, possibly you gain one Part, that if he be apprehended, they do imprison him upon a general Impeachment; but if they agree not, what Benefit have you by it? None: But if he appears, to what End is it? There is no Charge, if apprehended, to answer the general Charge.

THEN the Third way is, If the Lords agree not, that you should go to the King, and there is a more dangerous Rock in that, than in any thing; for we never heard of a Commitment *per ipsum Dominum Regem*, but *per Mandatum Domini Regis*, because against the King lies no Damages: What then must you do? Many think it Injustice to proceed, if he be not called by Proclamation. But it is plain, if you proceed upon this Bill, you go not upon your Impeachment, but because he is fled from the Justice of the Land, wherewith you have charged him in burning his Paper; and it



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‘ imports little, that he saith he is Innocent :  
 ‘ For why then doth he fly ? Shall we abate  
 ‘ him of what he ought to suffer for his say-  
 ‘ ing so ? He is fled from the Justice of the  
 ‘ Parliament, and therefore is proceeded  
 ‘ with, and for what others say, you ought  
 ‘ not to regard popular Reasons, but to pur-  
 ‘ sue your own ; it is enough for you to hear  
 ‘ some Proofs made : When was it known in  
 ‘ any Court, that Proofs should be taken only  
 ‘ on one Side ? So that you cannot acquit  
 ‘ your own Justice, nor bring him any Ways  
 ‘ to answer, he being gone ; nor can you  
 ‘ have any effect of the Proclamation, tho’  
 ‘ the Lords join in it : Therefore, unless you  
 ‘ will have nothing done after all this, (for  
 ‘ he may not be guilty of all charged, who  
 ‘ yet hath made himself Guilty of what is  
 ‘ charged, by flying) read the Bill.

A T last, the Question was put, Whether  
 the Bill should be read and committed ; and  
 being carried by a great Majority, it was re-  
 ported and read again on the 18th, when  
 Sir *Robert Howard* desired, that to the Pre-  
 face of the Bill this Addition might be made ;  
 ‘ That whereas the Earl of *Clarendon* was Im-  
 ‘ peached of Treason by the Commons, who  
 ‘ desired he might be secured, but was not,  
 ‘ and thereupon is fled. And this, to the end  
 the protesting Lords might be gratified, who  
 took so much Care of the Commons.

SIR *Robert Carr* seconded the Motion ;  
 with which Sir *John Talbot* was unwilling to  
 concur, because they could take no Notice  
 of what the Lords did.

SIR *Richard Temple* then reply’d, ‘ That  
 ‘ they might take Notice of Things in the  
 ‘ Lords Books which were Records, and  
 there



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there the Protest was entered ; and tho' not  
to gratifie them who owned their Right,  
yet they ought to take Care of their own  
Right: And that the World might see  
they had some Cause to pass that Bill, they  
ought not to deal so modestly with a Man  
who fled from Justice, as to use his Word  
[*Withdrawn*,] but call it flying.

HERE a Member insisting, ' That the  
the Words should be, *That having been Im-  
peached, and Moved to be Secured, had with-  
drawn himself*: Mr. Solicitor said, ' The Word  
' *Moved* destroy'd the Bill it self ; the Word  
' of the Bill was to Unite the Two Houses,  
' and this Amendment tended to destroy that  
' End ; for the Addition to the Preface be-  
' ing insisted on, the Lords would add the  
' Reasons for not Committing, and so revive  
' the whole Matter again. Let the Lords  
' add in their Books what they would, their  
' Books would as much justifie them, as theirs  
' the Lords.

' Mr. *VAUGHAN* would have no Que-  
' stion put upon these Words, but whether  
' the Preface should go as it was : The Bill  
' in all probability was a safe Bill, because it  
' came from them ; But if they begin an  
' Alteration, they themselves render'd it un-  
' safe ; for if they put in these Words, then  
the Lords would add, *for want of Special  
Matter*, and so it would come to nothing.

THEN the Bill was read the Third time,  
when Mr. *Vaughan* declared, ' He was against  
' the Word *Withdrawn*, and for the Word  
' *Flight* instead of it ; and in regard the Justice  
' of that Bill depends upon the Word (*Flight*,)  
' he would have it put in expressly.

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‘SIR Robert Carr was against the Bill, tho’ he was as earnest in the Matter as any one, while he thought there was Proof; but now none appearing, he was against the Bill, because they were confirming what the Lords have done.

HERE Mr. *Vaughan* said, ‘Many Men wonder’d that no Reason was given for passing that Bill; but the Question was mistaken, the Bill was grounded upon his Flight after his Impeachment, and his flying imply’d some Guilt; if none, it was the safest Argument for any Man to run away, and then there was nothing to catch him. A Proclamation to a Man out of the Kingdom signified nothing. But in the whole it was plain, that he said, That finding the King’s Justice obstructed in Parliament, he was fled. Then raising an Objection, That it would be said, upon bare Flight never was any Man punished: He answered, That if one Man kill’d another and fled, tho’ upon his Trial he should be acquitted, yet he should never recover his Goods because of his Flight. That there had been several Acts of Banishment, *Spencer, &c.* And in this, there was something more severe than in them; namely, That none should Correspond with him: Then there was some Advantage; namely, That if he came in by the first of *February*, all should be void; but when the Crime was laid, and his Flight made him guilty, he ought not to have a Day: Having thus concluded the Debate, the Bill was pass’d, tho’ in a very thin House; there being no more than 107 Members in all present, of whom 42 were against it.

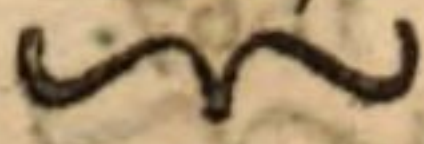


I SHOULD have observed before, That 1667.  
my Lord Clarendon's Address, or Paper, to  
the House of Lords, was printed in those  
Days under the opprobrious Title of, *News*  
*from Dunkirk-House*; or, *Clarendon's Farewell*  
*to England*; in his *Seditious Address to the Right*  
*Honourable the House of Peers, on the 3d of De-*  
*cember 1667.* And that the same, pursuant  
to the Debate already given you, was on the  
12th of the same Month, according to the  
Sentence and Judgment of both Houses of  
Parliament, burnt by the Hands of the Com-  
mon Hangman, in the Presence of the Two  
Sheriffs of *London and Middlesex*, with great  
and signal Applause of the Populace.

THIS noble Piece was indeed made a  
Victim to the Malice and Ambition of some,  
and Misinformation or the intemperate Zeal  
of others, of which, I do not doubt but ma-  
ny have since heartily repented, as being  
fully convinced of their Error.

HOWEVER, having not with this suf-  
ficiently satiated their Revenge, they pass'd  
the Bill already often mentioned, Entituled, *An*  
*Act for Banishing and Disabling the Earl of Cla-*  
*rendon*; which had the Royal Assent by  
Commission, on the 19th of *December*, with-  
out Scruple: All Mouths and Places were  
filled with bitter Invectives against him, as  
if he had been the vilest and most wicked  
Man in the World; when it has yet no ways  
appear'd, that any One of the Articles afore-  
mentioned proved to be true in Fact, but ra-  
ther quite the contrary. I shall not pretend  
to examine severally into the Invalidity of  
them: The first is so far from being true,  
that,



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that that, or something very like it, was the real Cause of the Earl's Disgrace, as will appear by and by : As for his believing the King to be in his Heart a Papist, no Body knew him better than the Earl of *Clarendon* ; the greatest part of the Nation have since been of his Opinion : Nay, his own Son, the present Earl of *Rochester*, in a Speech of his about Two Years ago made in Parliament, said, *He always thought him to be so.* As for the rest of the Articles, they seem to be levelled in the several Particulars of them against the Earl for using indirect Means, and making too much haste to be rich : Many, I believe, at that time, might think this to be in some Measure true ; but when the Accounts came afterwards to be cast up, nothing appear'd to be falser under the Heavens ; and there are but few who do not know, what Difficulties and Streights his Heir has undergone ever since through the Narrowness of his Fortunes ; and never any One, that I can hear of, charg'd him with Extravagancy. The *Popish* Party have indeed sufficiently railed at him, for the great Hand he had in the Settlement of *Ireland* ; for which, the Protestants of that Kingdom are extreamly beholding to him to this Day. And I have seen a Pamphlet, pretended to have been printed at *Louvain* in 1668. the Year after the Earl's Disgrace, and levelled chiefly against him, writ by an *Irish* Papist, so full of notorious Falsities about the *Irish* Rebellion and Massacre, that the many scandalous Invectives against the Earl can have no manner of Weight with any honest Man. As for the Sale of *Dunkirk*, in respect to which the Populace called the great House he built in *Piccadilly*, by way of Raillery,

*Dunkirk.*



*Dunkirk-House* : It was never alledg'd that I know of, that One Penny of the Purchase-Money ever came into his Pocket. It's well known, a great Part of it went to pay the Portion of the King's Sister, the Princess *Henrietta Maria*, to the Duke of *Orleans*, and the rest was but a Flea-bite, if we consider the Profuseness and Luxury of those Times. What therefore should induce the Earl to be more forward in the Sale of it than any Body else, has not yet appear'd to the World; and as I cannot think it consisted any Ways with his Interest, much less must it still with his Policy, great Experience and Foresight.

I Confess, I am gravelled with this knotty Affair : I know very well a late Author says, 'That he had it from a Person of Integrity, tho' a Confident of the Earl of *Clarendon's*, That his Lordship was so far from concurring with the rest of the Council in the Sale of that important Place, that he, and the Lord Treasurer *Southampton*, were the only Two that opposed it; and when they found they could not carry their Point, had entred their Protestation in the Council-Book against it.' But here give me leave, with a *Salvo Jure*, that it's no just Conclusion, That either the Lord Chancellor, or Lord Treasurer, were for it, or the only Persons for it, because there was no such Protestation against it : Yet I must take the freedom to assert the Truth in this respect, That no such Protestation was ever Entred by them in the Council-Book, of which I have had a particular Inspection; and so I must leave it undetermined.

EVERY Body flung Durt at him, and like Gudgeons greedily swallowed all that  
rended



1667. tended to his Disreputation and Disgrace, without ever inquiring into the Reasons of them. Satyrical *Andrew Marvel*, in his Advice to the Painter, could not, among the rest, forbear to have a Fling at him in these opprobrious Lines.

*But Damn'd and doubly Damn'd be Clarendine,  
Our Seventh Edward, with all his House and Line;  
Who, to divert the Dangers of the War,  
With Bristol, bounds us on the Hollander,  
Fool-Coated Gownman! Sells to fight with Hans,  
Dunkirk, dismantling Scotland, quarrels France;  
And hopes he now hath Business, Shape and Power,  
T' out-last our Lives, or his, and 'scape the Tower;  
And that he yet may see, ere he go down,  
His dear Clarinda circled in a Crown.*

BUT the true Cause of the noble Earl's Disgrace, proceeded from none of these Suggestions.

I FIND by an Anonymous Pamphlet, which severely reflects upon the Court Proceedings in those Times, an Insinuation, as if the Chancellor had lost his Place for deserting the *French* and *Popish* Interest; and that his Zeal for the Protestant Religion was such, that sometime before he was turn'd out, he refused to Seal a new Commission for the Duke of York, to evade a late Act made against Popery.

THERE might be some Truth in all likelihood in this: It's well known his Lordship was a zealous Protestant, and that our Court might be somewhat *Popishly* affected, even at that Time. But,



————— *Extempore verum*  
*Nascitur, & veniens ætas abscondita pandit.*

Doctor *Welwood*, in his Memoirs, after having premised that it looked as if Heaven took a more than ordinary Care of *England*, that we did not throw up our Liberties all at once upon the *Restoration* of King *Charles II.* For though some were for bringing him back upon *Terms*; yet after he was once come, he possess'd so entirely the Hearts of his People, that they thought nothing was too much for them to grant, or for him to receive. He tells us, among other Designs, that, to please him, there was one form'd at Court, to settle such a *Revenue* upon him by Parliament, during Life, as should place him beyond the Necessity of asking more, except in the Case of a War, or some such extraordinary Occasion. That the Earl of *Southampton*, Lord High Treasurer, came heartily into it, out of a meer Principle of Honour and Affection to the King; but that Chancellor *Clarendon* secretly oppos'd it. That it happen'd, that they Two had a private Conference about the Matter; and the Chancellor being earnest to bring the Treasurer to his Opinion, took the freedom to tell him, That he was better acquainted with the King's Temper and Inclinations, than *Southampton* could reasonably expect to be, having had long and intimate Acquaintance with his Majesty abroad; and that he knew him so well, that if such a Revenue was once settled upon him for Life, neither of them Two would be of any farther use; and that they were not in probability to see many more Sessions of Parliament during that Reign.

That



1667. That *Southampton* was brought over; but that this Passage could not be kept so Secret, but it came to King *Charles* his Ears; which, together with other Things, wherein *Clarendon* was misrepresented to him, prov'd the true Reason why he abandon'd him to his Enemies.

BUT after all that has been said in Vindication of this great Man, to suppose him altogether Faultless, were to Place him beyond the Level of frail Mortality before his Time, and within the Choir of Seraphick Spirits above: And it must be admitted for an uncontested Truth, That he carried himself in his Station with somewhat a greater Reserve and Haughtiness than became him, or was useful to him, which necessarily must create him Enemies; there being nothing on the Earth so disagreeable to human Nature, as Neglect and Contempt: And there is Story & Propos enough to this, of old *William Lenthall*, who had been so long Speaker; which, whether true or false, the Moral is good. My Lord Chancellor *Clarendon*, some time after the Restoration of the King, going down to his Seat of *Cornbury* in *Oxfordshire*, all the Gentry round the Country flocked thither to pay their Respects to his Lordship; amongst the rest, Mr. *Lenthall*, coming pretty late into the Hall, and observing the Company scornfully smiling at him all along as he passed up to the Chancellor; after he had made his Compliment, with a handsom Address enough, he told his Lordship, That he had observed the Gentlemen there present Smile and Fleece to see him come to attend his Lordship; then looking round, added, 'My Lord, Pray observe these  
\* \* \* very



every Gentlemen here present, that come to 1667.  
now to pay their Respects to your Lordship,  
have done the very same to me before. A  
just Reprimand to the Gentlemen, and a  
prudent Caution to the Chancellor, to be on  
the Guard, lest it might come to his Turn  
to be as much Despised, as he was then Ho-  
nour'd and Carefs'd by them, which indeed  
his hasty Fate brought on apace upon him.

THE *Earl of Clarendon* was succeeded in  
the Custody of the Great Seal by Sir *Orlando*  
*Bridgman*, with the Title of Lord Keeper :  
And as for the Chancellorship of the Uni-  
versity of *Oxford*, he resigned it by his Letter,  
bearing Date at *Calais*, Dec. 7. 1667, which  
being read in Convocation the 20th of the  
same Month, Dr. *Gilbert Sheldon*, Archbishop  
of *Canterbury*, was then elected into his Place.

SOON after the *Earl's* Disgrace and  
Exile, 'tis certain that Popery began to ap-  
pear more bare-faced in *England*, and to re-  
ceive a more favourable Countenance from  
the Court.

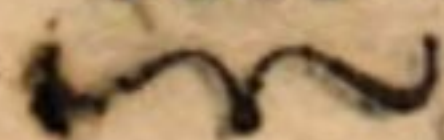
IT's not to be doubted, but his Lordship  
knew that the Duke of *York* had been a long  
time Popishly affected ; a Hint or Inuendo  
of it he seems to give us in his History ; and  
therefore when he heard the certain, but dismal,  
News of his Daughter the Dutchess of *York's*  
having embraced the *Roman* Catholick Reli-  
gion, he very artfully wrote to his Royal  
Highness about it, as if he had been still a  
sincere Protestant ; and his Letter is so justly  
and judiciously penn'd, that it cannot but  
Merit a Place here, and be an Ornament to  
his Life.

X

SIR,



1668.



S I R,

I HAVE not presumed in any manner to  
 approach your Royal Prefence since I  
 have been marked with the Brand of Ba-  
 nishment : And I would still with the same  
 Awe forbear this Presumption, if I did not  
 believe my self bound by all the Obliga-  
 tions of Duty to make this Address to you.  
 I have been too much acquainted with the  
 Presumption and Impudence of the Times,  
 in raising false and scandalous Reproaches  
 upon Innocent and Worthy Persons of all  
 Qualities and Degrees, to give Credit to  
 those bold Whispers which have been too  
 long scattered abroad concerning your  
 Wife's being shaken in her Religion : But  
 when those Whispers break out into Noise,  
 and publick Persons begin to report that  
 the Dutcheſs is become a *Roman* Catholick;  
 When I heard that many worthy Persons of  
 unquestionable Devotion to your R. H. are  
 not without some Fear and Apprehension  
 of it; and many Reflections are made from  
 thence to the Prejudice of your Royal Per-  
 son, and even of the King's Majesties : I  
 hope it may not misbecome me, at what  
 Distance soever, to cast my self at your  
 Feet, and beseech you to look to this Mat-  
 ter in time, and to apply some Antidote to  
 expel the Poison of it. It is not possible  
 your R. H. can be without Zeal and intire  
 Devotion for that Church, for the Purity  
 and Preservation whereof your Blessed Fa-  
 ther made himself a Sacrifice ; and to the  
 Restoration whereof you have contributed  
 so much your self, and which highly de-  
 serves the King's Protection and yours,  
 since



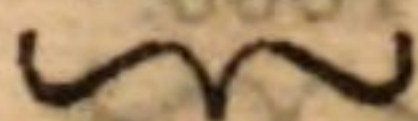
1668.

since there can be no possible Defection in  
the Hearts of the People, whilst due Re-  
verence is made to the Church. Your Wife  
is so generally believed to have so perfect  
Duty, and intire Resignation to the Will  
of your H. that any Defection in her from  
her Religion, will be imputed to want of  
Circumspection in you, and not using your  
Authority, or to your Connivance. I  
need not tell the ill Consequence that such  
a Mutation would be attended with, in re-  
ference to your R. H. and even to the King  
himself, whose greatest Security (under  
God) is in the Affection and Duty of his Pro-  
testant Subjects. Your R. H. well knows  
how far I have always been from wishing  
that the *Roman* Catholicks should be pro-  
secuted with Severity ; but I less wish it  
should ever be in their Power to be able to  
prosecute those who differ from them,  
since we well know how little Moderation  
they would or could use.

AND if this, which People so much talk  
of, (I hope without Ground) should fall  
out, it might very probably raise a greater  
Storm against the *Roman* Catholicks in ge-  
neral, than modest Men can wish ; since,  
after such a Breach, any Jealousie of their  
Presumption would seem reasonable. I  
have written to the Dutchess with the Free-  
dom and Affection of a troubled and per-  
plex'd Father. I do most humbly beseech  
your R. H. by your Authority, to rescue  
her from bringing a Mischief upon you and  
her self, that can never be repaired ; and  
to think it worthy your Wisdom to remove  
and dispel those Reproaches (how false so-  
ever) by better Evidence than Contempt ;



1668.



‘ and hope you do believe, that no Severity I  
 ‘ have or can undergo, shall in any degree  
 ‘ lessen or diminish my most profound Duty  
 ‘ to his Majesty, or your Royal Highness, but  
 ‘ that I do with all imaginable Obedience  
 ‘ submit to your good Pleasure in all Things.

*God preserve your Royal Highness,  
 and keep me in your Favour,*

SIR,

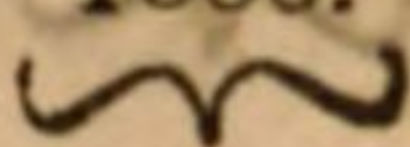
*Your Royal Highness's most humble  
 and obedient Servant,*

CLARENDON.

IF this Letter of his to the Duke is an Imbellishment to his Life, that to the Dutches his Daughter, upon so solemn and weighty an Occasion, cannot be less, but indeed appears to be more so; wherein, tho' he shews a very commendable Distance and Respect upon account of the Difference of their Conditions, yet he uses the Freedom and Authority, as well as the Tendernefs of a Father, and shews the Skill and Knowledge he had in Polemical Divinity, and the Artifices of the Church of Rome; but let us not anticipate the Letter it self, which ran in the excellent Strain here following.

‘ YOU have much Reason to believe that  
 ‘ I have no Mind to Trouble you, or  
 ‘ displease you, especially in an Argument  
 ‘ that is so unpleasant and grievous to my  
 ‘ self; but as no distance of Place that is be-  
 ‘ tween us, in respect of our Residence, or  
 ‘ the greater Distance in respect of the high  
 ‘ Con-

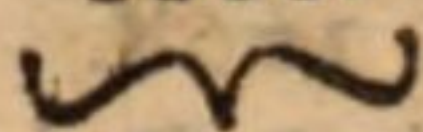




Condition you are in, can make me less  
your Father; or absolve me from performing those Obligations which that Relation requires from me: So when I receive any credible Advertisement of what reflects upon you, in Point of Honour, Conscience, or Discretion, I ought not to omit the informing you of it, or administering such Advice to you, as to my Understanding seems reasonable, and which I must still hope will have some Credit with you: I will confess to you, that what you wrote to me many Months since, upon those Reproaches which I told you were generally reported concerning your Defection in Religion, gave me so much Satisfaction, that I believed them to proceed from that ill Spirit of the Time that delights in Slanders and Calumny: But I must tell you, the same Report increaseth of late very much, and I myself saw a Letter the last Week from *Paris*, from a Person, who said the *English* Ambassador assured him the Day before, that the *Dutchess* was become a *Roman* Catholick; and which makes greater Impression upon me, I am assured that many good Men in *England*, who have great Affection for you and me, and who have thought nothing more impossible, than that there should be such a Change in you, are at present under much Affliction, with the Observation of a great Change in your course of Life, and that constant Exercise of that Devotion which was so notorious; and do apprehend from your frequent Discourses, that you have not the same Reverence and Veneration which you used to have for the Church of *England*, the Church in which you were



1668.



‘ Baptized, and the Church the best consti-  
 ‘ tuted, and the most free from Errors of any  
 ‘ Christian Church this Day in the World ;  
 ‘ and that some Persons, by their Insinuations,  
 ‘ have prevailed with you to have a better  
 ‘ Opinion of that which is most opposite to  
 ‘ it, the Church of *Rome*, than the Integrity  
 ‘ thereof deserves. It is not yet in my  
 ‘ Power to believe that your Wit and Under-  
 ‘ standing (with God’s Blessing upon both)  
 ‘ can suffer you to be shaken further than  
 ‘ with Melancholick Reflections upon the  
 ‘ Iniquity and Wickedness of the Age we live  
 ‘ in, which discredits all Religion, and which  
 ‘ with equal Licence breaks into the Profes-  
 ‘ sors of all, and prevails upon the Members  
 ‘ of all Churches, and whose Manners will  
 ‘ have no Benefit from the Faith of any Church.

‘ I PRESUME you do not intangle  
 ‘ your self in the particular Controversies  
 ‘ between the *Romanists* and us, or think your  
 ‘ self a competent Judge of all Difficulties  
 ‘ which occur therein ; and therefore it must  
 ‘ be some fallacious Argument of Antiquity  
 ‘ and Universality confidently urged by Men,  
 ‘ who know less than many of those you are  
 ‘ acquainted with, and ought less to be be-  
 ‘ lieved by you, that can raise any Doubts  
 ‘ or Scruples in you ; and if you will with  
 ‘ equal Temper hear those who are well a-  
 ‘ ble to inform you in all such Particulars, it  
 ‘ is not possible for you to suck in that Poison  
 ‘ which can only corrupt and prevail over  
 ‘ you, by stopping your own Ears, and shut-  
 ‘ ting your own Eyes. There are but Two  
 ‘ Persons in the World who have greater  
 ‘ Authority with you than I can pretend to,  
 ‘ and I am sure they both suffer more in this  
 ‘ Ru-



1668.

Rumour, and would suffer much more, if there were Ground for it, than I can do; and truly I am as unlikely to be deceived my self, or to deceive you, as any Man who endeavours to pervert you in your Religion: And therefore, I beseech you let me have so much Credit with you, as to persuade you to communicate any Doubts or Scruples which occur to you, before you suffer them to make too deep an Impression upon you. The common Argument, that there is no Salvation out of the Church, and that the Church of *Rome* is that only true Church, is both irrational and untrue; there are many Churches in which Salvation may be attained, as well as in any one of them: And were many even in the Apostle's Time, otherwise they would not have directed their Epistles to so many several Churches, in which there were different Opinions received, and very different Doctrines taught. There is indeed but one Faith in which we can be saved, the stedfast Belief of the Birth, Passion and Resurrection of our Saviour; and every Church that receives and imbraces that Faith, is in a state of Salvation; if the Apostles preach'd true Doctrine, the Reception and Retention of many Errors does not destroy the Essence of a Church; if it did, the Church of *Rome* would be in as ill, if not in a worse Condition, than most other Christian Churches, because its Errors are of a greater Magnitude, and more destructive to Religion. Let not the canting Discourse of the Universality and Extent of that Church, which has as little of Truth as the rest, prevail over you; they

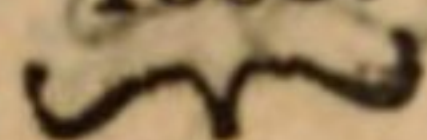


1668.

who will imitate the greatest part of the World, must turn Heathens, for it is generally believed, that above half the World is possessed by them, and that the *Mahometans* possess more than half the Remainder: There is as little Question, that of the rest which is inhabited by Christians, one Part of four is not of the Communion of the Church of *Rome*, and God knows in that very Communion there is as great Discord in Opinion, and in Matters of as great Moment, as is between the other Christians.

I HEAR you do in publick Discourses dislike some Things in the Church of *England*, as the Marriage of the Clergy, which is a Point that no *Roman Catholick* will pretend to be of the Essence of Religion, and is in use in many Places which are of the Communion of the Church of *Rome*; as in *Bohemia*, and those Parts of the *Greek Church* which submit to the *Roman*: And all Men know, that in the late Council of *Trent*, the Sacrament of both Kinds, and Liberty of the Clergy to Marry, was very passionately press'd, both by the Emperor and King of *France*, for their Dominions; and it was afterwards granted to *Germany*, though under such Conditions as made it ineffectual: Which however shews, that it is not, nor ever can be, look'd upon as Matter of Religion. Christianity was many Hundred Years old, before such a Restraint was ever heard of in the Church; and when it was endeavour'd, it met with great Opposition, and was never submitted to. And as the positive Inhibition seems absolutely unlawful, so the Inconveniences which result

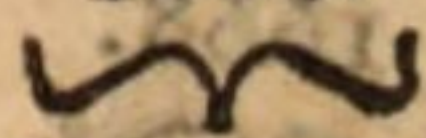




‘ sult from thence, will upon a just Disquifi-  
‘ tion be found superior to those which at-  
‘ tend the Liberty which Christian Religion  
‘ permits. Those Arguments which are not  
‘ strong enough to draw Persons from the  
‘ *Roman* Communion into that of the Church  
‘ of *England*, when Custom and Education,  
‘ and a long stupid Resignation of all their  
‘ Faculties to their Teachers, usually shuts  
‘ out all Reason to the contrary, may yet be  
‘ abundant to retain those who have been  
‘ Baptized, and Bred and Instructed in the  
‘ Grounds and Principles of that Religion,  
‘ which are in Truth not only founded upon  
‘ the clear Authority of the Scriptures, but  
‘ upon the Consent of Antiquity, and the Pra-  
‘ ctice of the Primitive Church ; and Men,  
‘ who look into Antiquity, know well by  
‘ what Corruption and Violence, and with  
‘ what constant and continual Opposition  
‘ those Opinions, which are contrary to ours,  
‘ crept into the World ; and how unwarran-  
‘ tably the Authority of the Bishop of *Rome*,  
‘ which alone supports all the rest, came to  
‘ prevail, who hath no more Pretence of Au-  
‘ thority and Power in *England*, than the Bi-  
‘ shop of *Paris* or *Toledo* can as reasonably lay  
‘ claim to ; and is so far from being Matter  
‘ of Catholick Religion, that the Pope hath  
‘ so much, and no more, to do in *France*  
‘ or *Spain*, or any other Catholick Domi-  
‘ nion, than the Crown, and Laws and Con-  
‘ stitutions, of several Kingdoms gave him  
‘ Leave ; which makes him so little ( if  
‘ at all ) considered in *France*, and so much  
‘ in *Spain* : And therefore the *English* Catho-  
‘ licks, which attribute so much to him,  
‘ make themselves very unwarrantably of ano-  
‘ ther



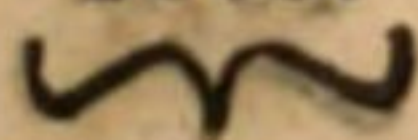
1668.



'ther Religion than the Catholick Church  
 'professeth; and, without doubt, they who  
 'desert the Church of *England*, of which  
 'they are Members, and become thereby  
 'disobedient to the Ecclesiastical and Civil  
 'Laws of their Country, and therein re-  
 'nounce their Subjection to the State, as well  
 'as to the Church, (which are grievous Sins)  
 'had need have a better Excuse than the  
 'meeting with some Doubts which they  
 'could not answer; and less than a manifest  
 'Evidence, that their Salvation is desperate  
 'in that Communion, cannot serve their  
 'Turn: And they who imagine they have  
 'such an Evidence, ought rather to suspect  
 'that their Understanding hath forsaken  
 'them, and that they are become mad, than  
 'that the Church, which is replenished with  
 'all Learning and Piety requisite, can betray  
 'them to Perdition. I beseech you to con-  
 'sider, (which I hope will over-rule those  
 'ordinary Doubts and Objections which may  
 'be infused into you) that if you change  
 'your Religion, you renounce all Obedience  
 'and Affection to your Father, who loves  
 'you so tenderly, that such an odious Mu-  
 'tation would break his Heart. You con-  
 'demn your Father and your Mother (whose  
 'incomparable Virtue and Piety, and Devo-  
 'tion, hath placed her in Heaven) for having  
 'impiously educated you; and you declare  
 'the Church and State, to both which you  
 'owe Reverence and Subjection, to be in  
 'your Judgment Antichristian. You bring  
 'irreparable Dishonour, Scandal and Preju-  
 'dice, to the Duke your Husband; to whom  
 'you ought to pay all imaginable Duty, and  
 'whom, I presume, is much more precious



1668.



to you than your own Life ; and all possible Ruin to your Children, of whose Company and Conversation you must look to be deprived ; for God forbid, that after such an Apostacy you should have any Power in the Education of your Children. You have many Enemies, whom you would herein abundantly gratify ; and some Friends, whom you will thereby (at least as far as in you lies) perfectly destroy ; and afflict many others who have deserved well of you.

I KNOW you are not inclined to any part of this Mischief, and therefore offer those Considerations, as all those Particulars would be the infallible Consequence of such a Conclusion. It is to me the saddest Circumstance of my Banishment, that I may not be admitted, in such a Season as this, to confer with you ; when I am confident I could satisfy you in all your Doubts, and make it appear to you, that there are many Absurdities in the *Roman* Religion inconsistent with your Judgment and Understanding, and many Impieties inconsistent with your Conscience ; so that before you can submit to the Obligations of Faith, you must divest your self of your natural Reason and common Sense, and captivate the Dictates of your own Conscience, to the Impositions of an Authority which hath not any Pretence to oblige or advise you. If you will not with Freedom communicate the Doubts which occur to you, to those near you, of whose Learning and Piety you have had much Experience, let me conjure you to impart them to me, and to expect my Answer, before you suffer them to prevail over you.

*God bless you and yours.*

I KNOW



1674.



I KNOW not whether the Duke and Dutchess of *York* after this ever corresponded with the Earl: It's likely they did not; but before they certainly did, and sent Messengers on purpose to him, not with Letters, but Instructions and Intelligences by Word of Mouth only, for fear of Discovery; and the Persons entrusted by them and him, after they had received them, were obliged to repeat the Words over before their Departure in their Presence, that they might be sure they exactly retained them. He remained an Exile in *France* this second time Seven long Years, till Death, by the terrible Distemper of the Gout, set him at liberty from the Cares and Anxieties of this transitory Life; but of this by and by.

IT was the Fate of this great Man, not only to be ill spoken of, and barbarously traduced, in his Life-time, but even after Death, and that not alone by the Populace, who run away with vulgar Notions and Errors, and are fond Lovers of Defamation, but even in the Parliament it self some Years after; for in that held at *Westminster* in 1680. his Memory was severely reflected on for making up the Match for the King, as if he had done it because he foresaw the Queen would have no Children. The Ridiculousness of this Notion has been somewhat exploded before. I shall only now take notice of the Piety of his Son, Mr. *Laurence Hyde*, then a Member of the House of Commons, since Earl of *Rochester*, upon this Occasion, who said, *That he hoped they would pardon him, if, to comply with the Obligations of Nature, he declared himself*  
much



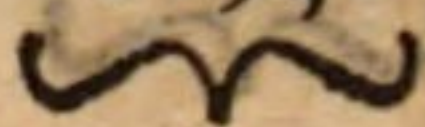
*much concerned to see the Ashes of his dear Father thus raked out of the Dust, and to bear his Memory blasted by an Affirmation that could not be proved; because he was confident he was not guilty: That he and his Family had suffered enough by his Misfortunes, occasioned by dark Interests and Intrigues of State, that many thought he was severely chastised while living: That he was sorry to see that some others could not spare him, though dead; but that, for his Comfort, he had heard that he was a good Protestant, a good Chancellor; and that we had had worse Ministers since.*

**A N D** since I have made an Excursion thus far, it will not be improper further to observe in this Place a very generous Act in the University of Oxford, in Vindication of the Earl's Memory, who had once been their Chancellor; for Mr. *Anthony A-Wood*, one of their Members, having in some Places of his Book branded him with Corruption, and the like ill Practices, while Chancellor and Minister of State, they made the following Order against him, which was publickly printed.

**O**N the 29th of *July*, 1693. Mr. *Anthony A-Wood* was condemned in the Chancellor's Court of the University of Oxford, for having written and published in the Second Volume of his Book, Entituled, *Athenae Oxonienses*, divers infamous Libels against the Earl of *Clarendon*, and was therefore banished the said University, until such time as he should subscribe such a publick Recantation as the Judge of the Court should approve of, and give Security not to offend in the like Nature for the future; and



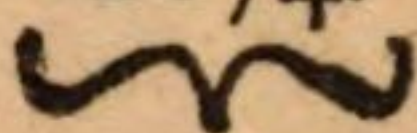
1693.



and his said Book was also decreed to be burnt before the publick Theater; and the same Day was burnt accordingly, and publick Programmas of his Expulsion were fixed in the three usual Places.

BUT though 'tis said here, That his Book was burnt; It must not be understood, that all of it was committed to the Flames, but only a few Sheets wherein Reflections were made upon his Lordship.

1674.



THE Earl of *Clarendon*, in the Time of his Exile, sojourned in several Places in *France* till the Year 1674. where, on the 7th Day of *December*, he paid his Debt to Nature near the City of *Roan*, the Capital of the Province of *Normandy*, from whence his Body was conveyed into *England*, and buried on the North Side of *Capella Regum* in *St. Peter's*, commonly called the Abbey-Church in *Westminster*. His Character shall not be attempted here: It may be easily gathered from his Life. But if any have a Mind to read what *Sir Philip Warwick* in his Memoirs has recorded of it, his Words are these: 'That about the Time he betook himself to the Court-Interest, which was in 1641. he was one of the new Triumvirate, the Lord *Faulkland* and *Sir John Colepepper* being the other Two: That he was of a chearful and agreeable Conversation; of an extraordinary Industry and Activity; and of a great Confidence, which made him soon at Home at Court: That his natural Parts were very forward and sound; his Learning was very good and competent: And that he had a Facility both of Tongue and Pen, which made him to be willingly hearkened to, and much



much approved; and that having spent 1674.  
much of his Studies in the Law, it made  
his Discourse and Writings the more significant, and his Language and Stile were very suitable to Business, if not over redundant; infomuch that it was supposed there was a Concurrence of the others Two Judgments: That it was his Pen that was most made use of; and that thence it was the King's Propositions, Messages, Replies, and Declarations, so well suited with the Rules of the House, and the Subject Matters treated of, and found so much the better Acceptance with the World, than those of the House of Commons, which for a time was very advantagious to His Majesty's Service, since it drew the Curtain, and exposed the Deceitfulness and unwarrantable Designs of the Contrivers in Parliament, and the Reasonableness of His Majesty's Propositions. But then he subjoins, That he remembered the Expressions of a wise Lord, who had Influence on them all, That their Wit and Elegancy, as it was very delightful, so it would not remain long useful, since Contests between the King and his Two Houses of Parliament could not be separated from ill Consequences and Pressures upon the rest of the Subjects in general, in their common Course of Life; and that would rather beget a Forwariness in Men to see such Things treated of with Elegancy and Irony, than any Delight or Complaisance; and therefore he was wont to say, *Our good Pen will injure us.*

BESIDES Letters, Speeches, &c. of his that are extant, he wrote several Tracts; As,

A FULL



1674.



*A FULL Answer to an infamous and traitorous Libel, Entituled, A Declaration of the Commons of England in Parliament assembled, expressing their Reasons and Grounds of passing their late Resolutions touching no further Address or Application to be made to the King. Lond. 1648. 4°.*

*THE Difference and Disparity between the Estates and Conditions of George Duke of Buckingham and Robert Earl of Essex. See in Reliquæ Wottonianæ, &c. Lond. 1672. 8°.*

*ANIMADVERSIONS on a Book, Entituled, Fanaticism fanatically imputed to the Catholick Church, by Dr. Stillingfleet, and the Imputation refuted and retorted by Ser. Cressy. Lond. 1674. 8°.*

*A BRIEF View and Survey of the dangerous and pernicious Errors to Church and State, in Mr. Hobbs's Book, The Leviathan. Oxon: 1676. 4°.*

*The History of the Rebellion and Civil Wars in England, begun in the Year 1641. with the precedent Passages and Actions that contributed thereunto, and the happy End and Conclusion thereof, by the King's blessed Restoration and Return upon the 29th of May, 1660. 3 Vol. Fol. and since in 8°.*

*He left in Manuscript, A History, or Historical Account of Ireland, made use of by Edmund Borlace, without Acknowledgment, in his Book or Books published of the Affairs of that Kingdom.*

**F I N I S.**



THE  
**LIVES**  
 OF THE  
*Lords Chancellors,*  
 AND  
*Lords Keepers*  
 OF THE  
*Great Seal of ENGLAND;*  
 FROM  
*William the Conqueror to this*  
*Present Time.*

**I**T being altogether Foreign to this Design to enter upon a Disquisition of the *Norman* Invasion, and what those Terms were upon which *William* was received to be King of *England*: The First Chancellor we find he had was named *Maurice*, who was

1067.



Chaplain to that Prince before he was preferred to this Office, and in the Year 1087 was made Bishop of *London*: How he demeaned himself in his Office of Chancellor does not at all appear upon Record; but his Character otherwise was none of the best. However, his Memory ought to remain to Posterity, upon the Account of his Generous Endeavours to Rebuild *St. Paul's*. For the greatest Part of the City of *London* hapning to be consumed by Fire in 1086, and that Cathedral in a manner wholly destroyed thereby, he laid such a new and large Foundation of it, that indeed no Body could ever think would be perfected: The King gave him the Ruins of a large adjoining Tower, and some Lands in other Places, to help on the Work; all which, and notwithstanding his utmost Applications otherways, for the space of Twenty Years together, seemed very little to forward so great a Work: He died *September 26, 1107*, after he had lived to see Eight or Nine Chancellors since he had quitted the Place.

THE next Chancellor King *William* had, was *Osmund*, (but when advanced is uncertain;) *Malmesbury* gives him a very good Character; he was a *Norman* by Birth, and coming with *William* into *England*, he made him Earl of *Dorset*, in time Bishop of *Salisbury*, and was one of those with whom he very much consulted about his most Arduous and Secret Affairs. He was a Man of some Learning, as the Times went, and among other things, besides the Life of *St. Aldem*, first Bishop of *Sherborn*, he was the first Author of the Service for the Church of *Salisbury*, since called *Secundum usum Sarum*.

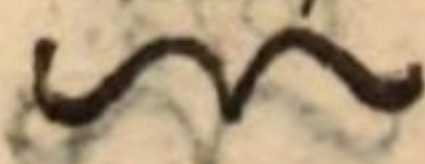
ARFAST,



1073.  
 A R F A S T, Bishop of *Helmstadt*, in *Germany*, was preferred to the Chancellorship in 1073, as appears by the Charter of *William I.* to the Dean and Chapter of *St. Martin*; and *Balrick*, according to the same King's Charter, to the Monks of *St. Florence*, was his Successor in that Office. *Herman*, Bishop of *Sherborn*, was the next Chancellor: *William Welton*, the King's Chaplain, succeeded him, and *William Giffard*, Bishop of *Winchester*, happened to be the last Chancellor in this King's Reign, but there is no Date when any of them came in: It looks as if this Person held that Office some part of the Reign of *William Rufus*; we find him also after some Years Interval in Possession of this Dignity in the Reign of *Henry I.* But King *Henry I.* taking upon him, according to the Example of some other Princes, to confer the Investiture of *Bishopricks* by a Ring and Staff, without any Election made by the Chapter, *Giffard* renounced his Bishoprick because Archbishop *Anselm* would not Consecrate him; so that the King Banish'd him: But the Matter, after Ten Years Space, being accommodated, he was Consecrated with Six more in 1107. This Bishop erected a Convent for *Cistercian* Monks at *Waverley*, and another for Nuns at *Taunton*; the Revenue of which last, when put down, was 174 *l.* 8 *s.* and 3 *d.* the other amounted to about 438 *l.* He Built a large Palace in *Southward*, near *London-Bridge*, where the Bishops of *Winchester*, when they came to *London*, resided; he also gave a great deal of Money towards the Building of the Monastery of *St. Mary*, near the same House for Canons Regular: He died *July 21st*, 1128, and was buried at *Winchester*.



1087.



THE only Chancellor mentioned to have been in the Reign of *William Rufus*, is *Robert*, surnamed *Bloet*, who came in about 1088, about a Year after *Rufus* was King, and was afterwards Bishop of *Lincoln*: It's said that the King, in a fit of Sickness, having a Remorse of Conscience upon him that he had made Sale of the Dignities of the Church, and as a Testimony of his Repentance, conferring forthwith the Archbishoprick of *Canterbury* upon *Anselm*, and the Bishoprick of *Lincoln* upon *Bloet*, he no sooner recovered than that he excited the Archbishop of *York* against *Bloet*, which created him much Trouble, and he was forced to give the King a great deal of Money to remain unmolested: Some have characterized him to be a Handsome Person, of a Serene Mind, and a Well-spoken Man, while others make him to be very Ignorant, and of ill Morals: *Bale* says he had a Bastard Son, named *Simon*, whom he made Dean of *Lincoln*: It seems he was in good Favour with his Prince, after he had attoned his Displeasure with the Money he gave him: For as he was talking to the King, Riding together to *Woodstock*, he was taken with an Apoplectick Fit, fell from his Horse, and being carried to his Chamber, presently died, *January the 10th, 1122.*

1100.



WE have already mentioned *Giffard*, Bishop of *Winchester's*, being for some time Chancellor in the Reign of *Henry I.* who came to the Crown *Anno 1100*: The next we meet with, tho' we cannot with the Year, is *Roger*, afterwards made Bishop of *Sarum*. There is a Story that *Henry I.* being in his Brother *William's* Service in *Normandy*, and hapning to



go with his Fellow Soldiers to Church in the Suburbs of *Caen*, *Roger*, who was the Incumbent, knowing Soldiers generally did not much care for long Prayers, quickly dispatch'd the Service, with which they were all so well pleased, that the Prince jokingly bid him follow his Camp, which he did; and this was the first Step to his Preferment: For by his flattering Nature, and Dexterity in managing Business, he arrived at the highest Preferments, and Governed the Kingdom in *Henry's* Absence in *Normandy* sometimes for Three or Four Years together: When the King had lost his only Son by Shipwreck, and had only his Daughter *Maud* left, *Roger* was very Instrumental in bringing the Grandees of the Realm to swear Fealty to her, as Heir to her Father. But *Maud* being absent in *Normandy* at the time of her Father's Death, *Roger* had Interest as well as Perfidy enough to bring the great Men over to *Stephen's* Interest, and to place him on the Throne; and this Prince, to ingratiate himself with them, granted Liberty they should Build Castles for themselves as they pleased: Among whom *Roger*, besides others, having Erected a very strong and sumptuous one at the *Devizes*, his Power and Greatness by Degrees contracted him Envy; and the King having thought fit to Convene a Council at *Oxford*, wherein he, as well as the rest of the Bishops, were required to be Present, he scrupled going thither. This occasioning a greater Cause of Jealousie in the King, he took his Natural Son *Roger*, and threatened to hang him before the Walls of the Castle, in his Father, the Bishop's Sight, without he gave up his Castle of *Devizes* out of Hand, and submitted to *Stephen*, which he did at last; and falling soon into a



Quartan Ague, he died on the 4th of *Decem:* 1139, being indeed a Man of great Parts, but very little Learning.

THE next Chancellor to *Roger* was *Geoffrey*, Sirnamed *Rufus*, advanced afterwards to the Bishoprick of *Durham*; he is said to have Built the Castle of *Alverton*, and to have bestowed it upon his Nephew, (perhaps Son,) who Married a certain Niece of the Earl of *Albemarle*. This *Geoffrey* seems to have been Twice Chancellor in the Reign of *Henry I.* *Randulphus* having acted for some Interval of time as such, according to the Testimony of *Huntington* and others, unless we will allow the Sirname of *Geoffrey* to be *Randulph*.

1135.

THE first Chancellor we meet with in King *Stephen's* Reign, who came to the Crown in 1135, was *Alexander*, Bishop of *Lincoln*, who was a *Norman* by Birth; and being the Nephew of *Roger*, Bishop of *Salisbury*, before mentioned, he took care to get him such Ecclesiastical and Civil Preferments as he thought fit: He Rebuilt the Cathedral of *Lincoln*, after it had been consumed by Fire, and augmented the Number of the Prebendaries, annexing some Lands to the same. He also Built Three Castles, viz. at *Banburg*, *Sleford*, and *Newark*, besides Two or Three Convents: He was confined for some Months, after he had given up his Castle of *Newark* to King *Stephen*, but at last got his Liberty, and wholly applied himself to the Administration and Beautifying of his Church: He went Twice to *Rome*, viz. in 1142, and 1144, where he behaved himself so well as to please both the King and the Pope,



Pope, which last appointed him at his first Journey his Legate to convene a Synod, wherein he made some Canons that were very useful for repressing the Enormities of those Times: He made a Third Journey to the Pope, then in France; where, in the Month of *August*, of the Year 1147, growing Sick with the Heat of the Country, he returned Home, and died, after he had been Bishop Four and Twenty Years. *Henry of Huntington* calls him *Flos & Cacumen Regni & Regis*.

H A V I N G already mentioned *Roger*, the great Bishop of *Salisbury*, and this Person having a Natural Son of his own Name, but with the Surname of *Pauper*, the Father's Interest was one while so very great with King *Stephen*, that he got him made Chancellor, but he held not that Office long: For siding with his Father and others who held out their Castles against the King, he was made a Prisoner; from which Confinement he might have been delivered if he would have taken the King's Part, which he constantly refused: However, having at last, as a singular Favour, and after many Intreaties, got this Punishment to be turn'd into Banishment, I know not whither or no he died in Exile.

W H O *Philip*, the Successor of *Roger* in the Chancellorship, was, is too knotty a Matter to determine; he came to the Seal in the 18th of *Henry I.* Anno 1153, and having held the Place, it's likely till the 3d of *Henry II.* *Thomas a Becket*, then Archdeacon of *Canterbury*, had the Office of Chancellor conferred upon him: He was Born at *London*, and studied at the University of *Paris*, and at his Return into *England*, *Theobald*, Archbishop of *Canterbury*, made him his Archdeacon. *Henry the Second*

1153.

1157.



succeeding King *Stephen*, soon preferred him to be Lord Chancellor of *England*, as aforesaid, in which Honour he carried himself very high in his Retinue, House-keeping, Furniture, &c. He served King *Henry* in *France* with a Body of Men, whereof Seven Hundred were of his own Family, with whom he did good Service: But being raised to the See of *Canterbury*, he sided with the Pope, and begun the great Controversie between *Regnum* and *Sacerdotium*, the Crown and the Mitre, because the King would have the Clergy Tried in his Temporal Courts for Causes Criminal. This Affront of a Subject, raised by the King's Favour, could not be digested by a Prince so jealous of his Prerogative as King *Henry* was; therefore having drawn most of the Bishops to side with him, he called an Assembly of their whole Body at *Westminster*, wherein he offer'd Six Articles in Defence of the Prerogative against the Papal Encroachments, which he urged *Becket* to assent to: He refusing, was at last by the Importunities of several Lords, both Spiritual and Temporal, prevailed with to Sign them; but afterwards revoking his Assent, and growing more troublesome than before, the King ordered his Peers to Summon and Try him as a Traitor: Upon this he fled, under the Name of *Dereman*, into *Flanders*, which gave the King Occasion to Banish all his Kindred out of his Dominions: And *Becket*, on his Part, by way of Revenge, Excommunicated all that had acted against him. At length the King of *France* by his Intreaties, and the Pope by his Threats, effected a Reconciliation; so that he return'd Home in Triumph after several Years Exile. The King being then in *Normandy*, the Archbishop refused to Absolve those Bishops, and others he had Ex-  
 com-



communicated; and *Henry* hearing of this, and how he went up and down the Country like a King, expressed his utmost Displeasure against him; upon which Four of his Knights thinking to oblige him, hastned over into *England*, and most cruelly Murdered *Becket* in his Cathedral on the 29th of *December*, Anno 1170, His uncommon Steadfastness and Adherence to the pretended Rights of the Papal See procured him a Place in the Calendar of Saints, and the Miracles given out to be performed by his Dead Body enriched his Shrine from all Parts of *Christendom*; so that at the defacing thereof in the Reign of King *Henry VIII*, the Spoil in Gold and Precious Stones filled Two great Chests, each requiring Eight strong Men to carry them out of the Church.

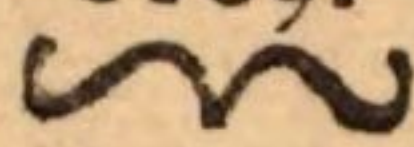
THE next we meet with that had the Office of Chancellor conferred upon him was *Geoffrey Plantaganet*, King *Henry II*'s. Natural Son by the Fair *Rosamond*. This *Geoffrey*, when yet but a Youth, was by his Father advanced to the Bishoprick of *Lincoln*, he having been Archdeacon before of that Place: But being never Consecrated, he after some Years renounced his Election, and was made Chancellor, and held it, according to *Goodwin*, to his Father's Death, with great Applause: He was in the Reign of *Richard I*. his Brother, preferred to the Archbishoprick of *York*: He was Consecrated in *France*, and his Brother *Richard*, being then on his Way to the *Holy Land*, bound him by Oath not to return to *England* in less than Three Years Space: But *Geoffrey*, notwithstanding this, hastning to his Charge, and coming to *Dover*, the Bishop of *Ely*, who was Chancellor and Governour of the Kingdom in the King's Absence, put him into Prison; from which in  
some

1181.



some time he was released: The Profits of the Archbishoprick was seized by King *John*, as also *Geoffrey's* Goods, which were never returned, and he could not procure the Restitution of the Temporalities till he had paid a Thousand Pounds: And now King *John* requiring the Tenth Shilling of what every Body was worth towards his Wars, *Geoffrey* was the only Person that opposed him; and having Excommunicated all those that should in his Diocess comply with that Demand, went into voluntary Banishment, and continuing Five Years in Exile, departed this Life in 1213.

I find that one *Walter de Bidun* succeeded *Geoffrey* as Chancellor, in the Reign of *Henry* the Second; but the precise time when he came in, and when put out, does not appear, no more than what otherwise he was, and therefore we have no more to say to him.

1189.  IN the First Year of the Reign of King *Richard I.* *William Longchamp*, afterwards Created Bishop of *Ely*, was made Chancellor of *England*: He was a great Favourite of this Prince, and upon his Expedition into the *Holy Land* he constituted him Governour of the South Part of *England*, and Protector of the Kingdom in his Absence; and that his Authority might still have the greater Countenance, he was made *Legate* by the Pope, tho' not without paying him a Thousand Pounds first for it. This Person having by his *Legantine* Power convened a Synod at *London*, did at the Request of *Hugh*, Bishop of *Coventry*, expel the Monks out of that Church, and brought Secular Clergy into their Room, which so incensed the Monkish Writers of those Times against him, that



that they loaded him with all the opprobrious Calumnies their Malice could invent, and having at length got him turn'd out of his Office, he was put into Prison, and in some Time had an Opportunity to Retire into *Normandy*, his Native Country, where he tarried till the Return of King *Richard*, who esteemed him, and made as much Use of his Council as ever, to the Day of his Death. He was in 1197, together with the Bishop of *Durham*, sent *Legate* to the Pope, and died *January 29th* at *Poitiers* the same Year.

IN the Sixth Year of the Reign of King *John*, *Hugh*, Archdeacon of *Wells*, was advanced to the Office of Chancellor, and in 1209 was Elected Bishop of *Lincoln*, at which time the King having forbid him to be Consecrated by *Langton*, Archbishop of *Canterbury*, he would do it notwithstanding, which made him so angry with *Hugh*, that he deprived him for Five Years together of his Temporalities: He generally stuck to the Barons against the King, and also to Prince *Lewis* of *France*, for which the Pope Excommunicated him, and he could not get Absolution till he had paid him a Thousand Marks, and his *Legate* an Hundred: He Built a fair Hospital at *Wells*, and having done other Acts of Charity, died on the 7th of *February*, in 1234.

1204.

KING *John*, in the Eighth Year of his Reign, was pleased to make *Walter de Gray* his Chancellor. This Person was first Bishop of *Lichfield* and *Coventry*, from which See he was Translated to that of *Worcester*, Anno 1214, and in the Reign of *Henry III.* was about 1217 advanced to the Archbishoprick of *Tork*, tho' the Chapter had before rejected him, as being

1206.



being Illiterate, whereas 'tis certain he had studied for some time in the University of *Oxford*: But now his Contineny, as having never had any thing to do with a Woman in his Life, which was looked upon to be a very great Thing in those Days, is the great Argument used to the Pope for his Confirmation; who yet would not do it without the Sum of Ten Thousand Pounds Sterling, and this made the Bishop lead a very Mean and Parsimonious Life all his Days, for which some have censured him of Covetousness: Otherwise he comes off with the Character of a very Wise Man, expert in Business, and very faithful to his Prince; a pregnant Instance of which we have in 1253, when Queen *Eleanor*, with whom the King in his Absence had entrusted the Government of the Kingdom, being about to go over Sea to her Husband, she made this Bishop, tho' then very Old, and unapt for so great a Trust, her Deputy: He was Archbishop of *York* Forty Years, and contributed much towards the adorning and enlarging his own Seat and the Cathedral: He bought the Mannor of *Thorp*, and annexed it to the Archiepiscopal See, so as that the Canons, unless the See were vacant, were never to have any Benefit by it: He bought *York Place* of the *Dominicans*, since called *White-Hall*, and left it to his Successors: The Archbishop died at *Fulham*, in the beginning of *May* 1255.

1212.

**KING** *John*, in the 14th Year of his Reign, made *Richard de Marisco* his Chancellor, who in 1217, in the Reign of *Henry III.* was Created Bishop of *Durham*; he had been before Dean of *Salisbury*, and Archdeacon of *Northumberland*: This *Richard* is said to be so



so very profuse a Man, that the Monks of *Durham*, fearing least he might devour their Income, as well as that of the Bishoprick, sued him, that he might be kept within Bounds; and the Bishop in 1226 going to *London*, attended by a great many Lawyers to maintain his Cause, went well, in his Way thither, to *Bed*, in the Abbey of *Peterborough*, but was found dead in the Morning, leaving his Successors Forty Thousand Marks of Debt to pay for him.

*RALPH Neville*, afterwards Bishop of *1223.*  
*Chester*, was made Chancellor of *England* about the Ninth Year of *Henry III.* the Chancellorship of *Ireland* was likewise granted him for Life. This Person had the Approbation of the States of the Nation for his Post, which he discharged with great Justice and Integrity; notwithstanding this, *Henry III.* Anno 1238, violently took the Seal from him, and committed it to the Custody of his Brother *Geoffrey*, a Templar, and of *John de Lexington*; but the Bishop was allowed to receive the Profits of the Office: Tho' others say, that being in 1237 Elected to be Bishop of *Winchester*, he of his own Accord quitted the Chancellorship, and afterwards was with Reluctancy perswaded to take the Seal again, which he kept to his Death, that hapned on the First of *February* 1244.

IN the Interval of the Seal's being out of *1239.*  
the Custody of *Neville*, *Simon Norman*, King *Henry III.*'s greatest Favourite, had the same committed to him: But this Person in 1239 refusing to pass a Grant from the King to *Thomas*, Earl of *Flanders*, the Queen's Uncle, of Four-pence upon every Sack of Wooll, he was



was discarded, and put out of the Council, and the Seal put into the Hands of *Richard*, Abbot of *Evesham*, who in 1242 being Elected Bishop of *Chester*, he resigned up the Seal, and *Neville* had it again.

1246.

*RANULPH Brito* is the next Chancellor that is mentioned, of whom we know nothing, but that he died of an Apoplexy in the 30th of *Henry III.* and that he was succeeded next Year by *Silvester de Everdon*, the King's Chaplain, who acted as Chancellor, and was chosen Bishop of *Carlisle*, the Acceptance of which the King would have dissuaded him from. He was succeeded in the 31st of *Henry III.* on the 8th Day of *September*, by *John Lexington*, and not long after came in *John Mansell*, Chancellor of *St. Paul's, London*. Some make this Person to be *Sir John Mansell*, one of the King's Chaplains, and he seems to have had the Keeping of the Great Seal Twice, First in 1247, and next in 1249: But in the Year 1250 I find *John de Lexington* withdrew from Court, and the Seal was put into the Hands of *Peter de Rievallis*, and Master *William de Kilkenny*, which last being Sick in 1253, *Peter Chafeport* and *J. de Lessington*, had, May 15th, the Seal put into their Power. On the 22d of *June*, the same Year, the King going into *Gascoigne*, the Great Seal was committed into the Queen's Custody, and I find the forementioned *William de Kilkenny*, the King's Chaplain and Special Chancellor, supply'd the Office of Chancellor the following Year. This *Kilkenny* had been Archdeacon of *Coventry*, and being Elected by the Monks of *Ely* to be their Bishop in 1255, was Consecrated in the Country of *Savoy* by *Boniface*, Archbishop of *Canterbury*, who then resided



resided there. He was said to be a very Handsome Person, Eloquent, Prudent, and very well skilled in them unicipal Laws of the Kingdom: He went on an Ambassie into *Spain*, and died there in 1256.

KILKENNY was succeeded in the Chancellorship by *Henry de Wingham*, or *Wingham*, Clerk, and in time Bishop of *London*. This Person being Sick at *London* in May 1258, the Great Seal was put into the Hands of *Walter de Merton* for the Time, and *Wingham* being actually made Bishop of *London* in June 1259, the Great Seal was committed to the Care of *Nicholas*, Archdeacon of *Ely*; the old one being about this Time broken in pieces, and a new one made: *Wingham* died on the 13th of July 1261.

HENRY III. in the Forty-fifth Year of his Reign, made *Walter Merton*, afterwards Bishop of *Rocheſter*, already named above, his Chancellor, without the Consent of the Barons, and allowed him Four Hundred Marks a Year to bear up the Dignity of the Office. This Person was the Founder of *Merton College* in *Oxford* in 1274, and dying October 27, 1278, was Buried near the North Side of his own Church, over-againſt his Cathedral, where the Famous Sir *Henry Saville*, Warden of *Merton College*, finding the old Monument decay'd, Erected a fine new one for him, with this Inſcription upon it.

WALTERO de Merton, Cancellario Angliæ sub Henrico Tertio, Episcopo Roſſenſi, sub Edwardo primo Rege, unius exemplo, omnium quotquot extant Collegiorum fundatori maximorum Europæ totius ingeniorum felicissimo parenti;



*renti; Custos & Scholares domus, Scholarium de Merton, in Universitate Oxon. Communibus Collegij Impensis, debitum pietatis Monumentum posuere Anno Dom. 1598, Henrico Savile Custode. Obijt in vigilia Simonis & Jude, Anno Dom. 1277. Edwardi primi quinto: Inchoaverat Collegium Maldoniæ in agro Sur. Anno Dom. 1264. Henrici tertij 48. cui dein salubri consilio Oxonium (ut credi par est) auspiciis accessit. Anno 1274. ipsis Cal. Aug. Anno Regni Regis Edwardi Primi Secundo.*

*Magne senex titulis, Musarum sede Sacrata,  
Major, Mertonidum maxime progenie:  
Hæc tibi gratantes post secula sera nepotes,  
Et votiva locant Marmora, sancte parens.*

IT seems as if this Gentleman had been Twice Lord Chancellor, First in the Reign of *Henry III.* and afterwards in the First Year of *Edward I.* but he held not the Seal long in this last King's Reign.

1263.

IT was in the Forty-seventh Year of *Henry III.* that the King on the 18th of *December* being about to go beyond the Seas, left the Great Seal in the Custody of *Nicholas*, Archdeacon of *Ely*, who while the King was abroad Signed nothing but Writs: This Person in 1268 was made Bishop of *Worcester*, and before the end of that Year Translated to *Winchester*, which he held Twelve Years, and gave Way to Nature in 1280: He was first Chancellor, and afterwards Lord Treasurer of *England*.

*JOHN de Chisul*, Archdeacon of *London*, was the next Person that had the Keeping of the



the Great Seal, but when put into his Hands is not certain; he was Twice Chancellor, and the Seal was delivered to him the last time in 1269. His other Preferments were Dean of *St. Paul's*; he was made Treasurer of *England* in 1270, and Bishop of *London*, April 29, 1274. The Seal was taken from him in the 29th of *Henry III.* and he was succeeded by *Thomas de Cantilupo*, who was made Chancellor with the Annual Allowance of Five Hundred Marks, for himself and Clerks in Chancery under him: He was sometime Archdeacon of *Stafford*, and Chancellor of the University of *Oxford*, as well as of *England*: He was Nobly Born, being the Son of *William*, Baron of *Cantilupo*; he first Studied at *Oxford*, and afterwards at *Paris*: Upon his Return from thence to *Oxford* he Studied the Canon Law, and took his Degrees of Dr. of Laws. He died in *Italy* on the 25th of *August*, 1282, and was Canonized by Pope *John 22.* They said his Body wrote Miracles, and his Successors Bishops of *Hereford*, to which Bishoprick See he was promoted in 1275, have done him the Honour to make Use of the Arms of his Family for those of their See ever since.

1265.

HIS Successor in the Chancellorship was 1265. *Walter Giffard*, Bishop of *Bath* and *Wells*, with an Allowance of Five Hundred Marks a Year, to be paid him out of the Exchequer: He was promoted to the See of *Bath* and *Wells* on the 22d of *May* 1264, and the Archbishoprick of *York* becoming vacant the Year following by the Death of *Godfrey de Kinton*, *William de Langton*, Dean of *York*, was chosen to succeed. But *Giffard* having been Chaplain to the Pope, sometime Lord Treasurer,



and now Chancellor of *England*, he grew too weighty a Competitor for *Langton*, and was Confirmed Archbishop on the 15th of *October* 1265, and having governed that See for Thirteen Years and Six Months, departed this Life on the 25th of *April* 1279.

1267.

WALTER having held the Chancellorship about Two Years, was succeeded in the 51st of *Henry III.* by *Godfrey Giffard*, Archdeacon of *Wells*, who in the 53d of *Henry III.* was made Bishop of *Worcester*. This Gentleman was allied in Blood to the King; but tho' he held his Office of Chancellor no longer than the Day after *Simon and Jude*, the same Year, he governed that See Four and Twenty Years, Four Months, and as many Days, and died in the Year 1302.

1269.

HAVING already taken Notice that *John Chisul* came to the Seal again after *Giffard*, which he held but a little while, *Richard de Middleton* was Constituted Keeper of it this same Year, and the 53d of *Henry III.* I can meet with nothing at all Memorable concerning this Person, nor so much as find out whether he was a Clergyman or a Layman, tho' he is like to have been of the Number of the former, according to the Practice of those Times: However, one thing is remarkable of him, that he died in his Office in the 56th of King *Henry's* Reign, which few others have done.

1272.

HIS Successor was *John Kirkby*, who had the keeping of the Seal next, and associated *P. de Winbon*, then Keeper of the King's *Wardrobe*, with him in the Office. This must be the



the same *John de Kirkby* who was Dean of *Winburn*, Archdeacon of *Coventry*, afterwards Lord Treasurer of *England*, and Bishop of *Ely*: He was put out from being Chancellor in the Second Year of *Edward I.* to make Room for a short time for *Walter de Merton*, of whom before: But he was preferred to the Office of Treasurer in the 12th of that King, and in the 15th, *Anno. 1286*, to the See of *Ely*: He died of a Fever on the 26th of *March, 1290*, after he had presided over that Bishoprick about Three Years and an Half: How he behaved himself in his Chancellorship Historians are silent, but they tell us he was so taken up in the Management of the Treasury, that he took but very little Care of the Flock committed to his Charge.

KING *Edward*, in the Second Year of 1274. his Reign, was pleased to make *Robert Burnel* Archdeacon of *York*, Keeper of the Great Seal: This Gentleman was the Son of *Robert*, the Brother of *Hugh*, Baron of *Burnel*. He was made Bishop of *Bath* and *Wells* about the same time as he had the Seal given him: He was a Man of great Power and Authority in those Days, and before he was Chancellor had been Treasurer of *England*; by which Means he obtained great Wealth, a good Part of which he laid out in Building, and among others, Erected that Large and Spacious Palace of *Wells*: But *Burnel* more particularly was intent upon enriching his Brothers and Kindred. King *Edward* very much imploy'd him in the Affairs of *Wales*, and he resided with his Consent to that End for some time at *Bristol*. This Prelate, in 1284, returning from *Alberconway* towards the Castle of *Acton*



*Burnel*, in *Shropshire*, a Place Built by himself, delivered the Seal to be kept for the present by *Hugh de Kendal*, and *Walter de Odyham*. King *Edward* about Two Years after, viz. in the 14th Year of his Reign, Embarking at *Dover*, in order to go to *France*, *Burnel* went with the Great Seal along with him; and staying in *France* and *Gascoign* till *Edward's* Return, they arrived at *Dover* in 1289. This Great Man died on the Frontiers of *Scotland* in 1292, having been Chancellor of *England* for about Eighteen Years.

1292.

THE very same Day that the Chancellor *Burnel* died, which was the *Sunday* before *Simon* and *Jude*, the Seal was delivered at *Berwick* to the Custody of *Walter de Langton*, Keeper of the *Wardrobe*: What this *Walter* was otherwise does no where appear in History; he had not this Great Office long, for the very next Year, and the 21st of the Reign of *Edward I.* *John de Langton* was made Chancellor, and sometime after, by Part of the Monks, Elected Bishop of *Ely*: But the other Party having pitched upon their own Prior, they both of them hastened to *Rome*, to interest the Pope in their Favour, but neither of them could prevail to get his Election Confirmed. For the Holy Father taking the Opportunity to exert the Fulness of his Power upon this Occasion, made *Ralph Walwood*, Bishop of *Norwich*, Bishop of *Ely*, and the Prior, Bishop of *Norwich*; but that the Chancellor might not seem to go altogether neglected, he made him Archdeacon of *Canterbury*: Nothing appears to the contrary, but that this is the same *John de Langton*, who was afterwards Bishop of *Chichester*: And if so, he was Twice Chancellor, the first



first time about Nine Years to *Edward I.* and having the Seal again delivered to him in the First of *Edward II.* held it about Four longer.

**L A N G T O N** was succeeded in the Great Office of Chancellor by *William de Greenfield*, Dean of *Chichester*, in the 30th of the Reign of *Edward I.* he was about the same time Canon of *York*; and being, it seems, a Man Eminent in Counsel, and very Eloquent, the Chapter of *York* chose him to be their Bishop in 1305: But it's like the Seal did not remain long afterwards in his Custody: Be it as it will he could not get the Pope to Confirm his Election in less than Two Years time, and not without depositing 9500 Marks for it, which reduced him to so much Poverty, that he was Twice forced to have Recourse to the Clergy of his Diocese for Subsistence, First by Way of Benevolence, and the Second time of Subsidy: He supported the Knights Templars, then oppressed everywhere by *Philip* of *France* and the Pope, as much as he could: He was at the Council of *Vienna* in 1311, and sat next to the Archbishop of *Treves*: He died September 13, 1315, and was buried in his own Church.

1302.



**E D W A R D I.** on the 16th of *January*, in the 33d Year of his Reign, Anno 1305, put the Seal into the Custody of *William de Hamelton*, Dean of *York*, of whom I find nothing that is Memorable, but that he held it between Two and Three Years. The next Chancellor that *Edward* made in the 35th and last of his Reign was *Radalph*, or *Ralph de Bandoc*, or *Baldock*, Bishop of *London*: This Person was

1307.





a Man of Learning, as the Times went; and *Bale* says, that amongst others of his Works, he wrote in *Latin* the Annals of our *English* Affairs; he gave 200 Marks in his Life-time towards building the East Part of his Church, and a great Sum of Money at his Death. It was in his Time that they found in digging a great many Ox-Skulls, which gave our Antiquaries Occasion to conjecture that the Temple of *Diana*, in the Time of Heathenism, stood here. This Great Man was Bred in *Merton* College at *Oxford*, and died on the 24th of *July* 1313, but had been divested of the Chancellorship in the First of *Edward* II. when *Langton* came in again, as afore said.

1311.

*WALTER* Raynold, or *Reginald*, Bishop of *Worcester*, was made Keeper of the Great Seal in the 4th Year of King *Edward* II's Reign. *Walter* had been Tutor to this Prince, and being much beloved by him, he took all Opportunities to promote his Interest: He had been a Courtier a long while, was of the Privy Council to *Edward* I. and for some time Treasurer before he had the Great Seal, which in the 5th of King *Edward* II. he held with the Title of Chancellor: He had for a while a Contest with *Thomas Cobham*, Dean of *Salisbury*, about his Election to the See of *Canterbury*, which *Raynald* at last carried, and was installed with great Pomp in the Archbishoprick. He obtained Eight Bulls of the Pope, by which he had so many large Privileges granted him: He was Instrumental in composing the Tumults raised by the Barons against the King; but when the Fate of that Prince came on



on, so as that he was, chiefly by the Queen's Means, reduced and confined to Prison; the Archbishop's Memory has been severely tainted by some, for forsaking so kind and bountiful a Master as *Edward* had been to him, and siding with the prevailing Interest: They tell us likewise, that he died for fear of the Pope's Displeasure, because he had, at the Queen's Command, Consecrated *Barkley*, after a lawful Election, Bishop of *Exeter*; a Pusillanimous Man, and of little Learning, but otherwise commendable for his Prudence, Justice, and Dexterity in Publick Affairs.

— *JOHN de Sandale*, the King's Chaplain, <sup>1315.</sup> after he had been about a Year or Two Treasurer, was made Chancellor in the 8th of King *Edward's* Reign, and in 1316 was made Bishop of *Winchester*: I find nothing upon Record concerning him, save that he held that See near Four Years, but was dispossessed of the Chancellorship in 1318, and died in 1320. *Walsingham* calls him *Kendal*.

KING *Edward*, in the 11th Year of his Reign, made *John Hothum* or *Hotbam* Bishop <sup>1318.</sup> of *Ely*, his Chancellor. He had been the King's Chaplain, sometime Provost of *Queen's College* in *Oxford*, Chancellor of that University, Chancellor of the Exchequer, and now Chancellor of *England*. He was a Prudent and Pious Man, but of no Learning. After he had held this great Office about Two Years, he thought fit to quit it, and was made Treasurer, which he held not above a Month, but from thenceforward wholly apply'd himself to the Administration of Ecclesiastical Affairs: He laid out 4441 l.



9 s. 7 d. upon the Church of *Ely*, and besides, gave unto it his Mannor of *Oldburn*, with Six Tenements appertaining thereunto, and also a Gold Callice, and Two Cups: He died at *Somersham* on the 25th of *January*, 1336, after he had lain Bedrid with the Palfie for Two Years together. It's not to be forgot in this Place that *Hotham* had the Great Seal delivered to him a Second time in the First of *Edward III.* on the 28th Day of *January*, to act by Vertue of the Custody of it whatever appertained to the Office of Chancellor, but he held it not above One Year, or thereabouts.

1320.

*H O T H A M* was first succeeded by *John Salmon*, Bishop of *Norwich*, who was nominated to be Chancellor by *Edward II.* in full Parliament, in the Thirteenth Year of his Reign. He was first Prior of *Ely*: He continued Chancellor about Four Years: 'Twas he that Built the Hall and Chapel of the Episcopal Palace, and another Chapel at the West End of the Church, where he settled a Maintenance for Four Priests to Officiate: He died in the Convent of *Folstan*, near *Dover*, *July* 6. 1325.

1323.

*T H E* Great Seal in the Sixteenth of King *Edward* was committed to the Custody of *William de Ayrmin*, or *Ayermin*, Master of the Rolls; *Hotham*, Bishop of *Norwich*, and Chancellor, but now mentioned, being infirm, and not capable of acting. He held this Office but about the Space of One Year. I presume him to be the same Person, who by the Papal Authority was in 1325 made Bishop of *Norwich*, where he presided almost Eleven



ven Years, and died on the 28th of *March*,  
1337.

On the 20th of *August*, this Year, and the 17th of *Edward II.* *Robert Baldock*, Archdeacon of *Middlesex*, was made Chancellor, who held this Office, in all Appearance, till the First of *Edward III.* as already noted, when *Hotham* came in again. This *Baldock* lived for some time in great Favour with *Edward II.* and had great Power in the Kingdom; and if the Relations of some Writers are true, he is the same Person who was chosen by the Monks of *Norwich* to be Bishop of that See, and who received the Temporalities from that Prince: However it were, 'tis certain *Ayrmin*, his Predecessor in the Custody of the Great Seal, carried it from him, if in Reality he contested for it. 1324.

*HOTHAM* being outed of the Office of Chancellor a Second time, the Seal on the 1st Day of *March*, in the Second of *Edward III.* was committed to the Custody of *Henry de Cliff*, Keeper of the Rolls, and *William de Herlaston*, Chancery Clerk; but they kept it no longer than the 12th of *May* following, when 'twas deliver'd to *Henry de Burghersh*, otherwise called *Burwash*: This Person was Educated at *Oxford*, and being the Nephew of *Bartholomew de Badilismere*, Baron of *Leeds*, who was a Man of great Power and Fame in the Reign of King *Edward II.* he obtained the Bishoprick of *Lincoln* for his Kinsman in 1320; but scarce a Year had come about, when falling under the King's Displeasure, his Temporalities were seized, but were restored again in 1324, and the King took him into his Favour. But the  
vin-



vindictive Prelate resented the Injury he had received so much, that he shew'd himself very forward and active with the Queen to ruin that Unhappy Prince, which at length they and their Partizans did effect. He was made Treasurer in the First of *Edward III.* proved a Covetous Man, and easily abused his Power to the oppressing of his Neighbours. He died at *Ghent* about the end of *December*, in 1340, but whether as an Exile I cannot well determine.

1329. THE Great Seal, after *Burghersh* had had the keeping of it for about Two Years, was delivered to *John de Stratford*, who for some time pursued his Studies at *Oxford*, and more particularly applied himself to the Canon and Civil Laws: He was but young when preferred to the Deanery of *Lincoln*; in which Station, when he had for some time prudently behaved himself, *Walter Raynold*, Archbishop of *Canterbury*, made him Dean of the Arches. In this Office, having shew'd his great Knowledge in the Laws, and much Judgment and Prudence in deciding Causes, he came to be soon in Favour with *Edward II.* and One of his Council. Happening to be Ambassador to the Pope at *Avignon*, when the Bishop of *Winchester* died, the Pope, at the earnest Desire of the Archbishop of *Canterbury*, declared him Bishop of the vacant See, which was in the 1323, or thereabouts. *Robert Baldock*, as already noted, was at that time Lord Chancellor; who having a great Influence over the King, and being incensed that he himself was disappointed of the Bishoprick, did animate the King against *Stratford*; so that he was immediately proscribed, and the Profits of the Bishoprick Confiscated to the



the Crown: There were very severe Proclamations issued out against him, so that none should as much harbour or relieve him. The Pope, but more especially the Archbishop, used very many Reasons in his Behalf to the King, who, being at length pacified, took him into his Favour and Council, made Use of him upon several Ambassies, and in the most arduous Affairs of State; all which he managed with so much Skill and Fidelity, that when every Body afterwards forsook the King, and even the Archbishop himself, he stuck close to him, and upon the deposing of *Edward*, was forced to skulk once more. But the Queen in some time having taken him into Favour, he was made Chancellor of *England*, say some, in the room of his Inveterate Enemy *Baldock*, who was slain in Prison by a Thousand Torments, but he was then rather made Treasurer, as he really was in the 20th and last Year of *Edward II.*

AFTER *Stratford* had been Ten Years Bishop of *Winchester*, he was by the Papal Authority in 1333 translated to the Archbishoprick of *Canterbury*, and had the Administration of the Kingdom, during the Absence of *Edward III.* in his *French Wars*: But the King having in less than One Year profusely expended a vast Sum of Money given him by the Subject, or otherways borrowed, and requiring the Archbishop to supply him with more, according to his Promise; he expostulated with the King about such Profuseness, shewing the great Inconveniencies thereof, and the Difficulty, if not Impossibility, to get such a farther Supply: This brought him under the King's Displeasure, and many Difficulties and Persecutions, too long to be enumerated: Against these  
the



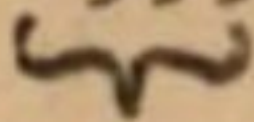
the Archbishop, not to be wanting to himself, both Preached, Wrote, made use of his Power or Excommunication, and all the Interest his Friends could make; by which at least he was reconciled to the King, and cleared of an unjust Suspicion, that he held Intelligence with France, chiefly occasioned by his perswading the King to make Peace with King Philip, to prevent the Oppression of the People, by being required to grant him more Money: He left all his Estate to his Servants and Domesticks at his Death, which hapned not till he had presided over the See of *Canterbury* about Fifteen Years: He was a Man of a mild and gentle Nature, more inclinable to Pardon the Guilty, than to Punish them with Severity, and very Charitable to the Poor: He Built a College at *Stratford* upon *Avon*, the Place of his Nativity, and plentifully endowed it.

THE various Vicissitudes of the good and bad Fortune of this Great Man were such, that besides the Time above specified, when the Great Seal was first delivered to his Custody, I find he was constituted Chancellor again in the Eighth of *Edward III.* on the 6th Day of *April*, 1335, and that he delivered the Great Seal to the Hands of *Robert de Stratford*, his Brother, it seems, with the Title of Keeper. He kept it no longer than the 28th of *September* following. On the 6th of *June* 1336, he had it again, but being deprived of it on the 23d of *October* 1338, the last time it was delivered to him as Chancellor and Keeper, was on the 28th of *April* 1341, of which he could be possessed but a very short time, tho' it cannot be precisely assigned by us.



IT seems that the Great Seal was not the first time taken from *John de Stratford* in any Displeasure, since the Record says that it was put into the Custody of his Brother *Robert de Stratford* on the 23d of *July*, in the Sixth of *Edward III.* while he himself was taken up in managing some other Affairs of the King and Kingdom. When *John* delivered the Seal to his Brother *Robert*, with the Title of Keeper, is but just mentioned before.

1333.



THIS *Robert* had been Archdeacon of *Canterbury*, and was made Chancellor of *England*, and Keeper of the Seal *October 23, 1338*: He was likewise Chancellor of the University of *Oxford*, and appointed Bishop of *Chichester*: The Troubles of his Brother, which are already accounted for, affected him, even when Chancellor, he being for some time, together with the Bishop of *Litchfield*, Lord Treasurer, Committed Prisoner to the Tower of *London*. It was in his Time that a mighty Sedition hapned in the University of *Oxford*, the Faction being distinguished into the Northern and Southern Student and Scholars, the former, by reason of the many Injuries and Vexations received from the other, being necessitated to retire to *Stamford* in *Lincolnshire*: However, by the Prudence of this Prelate, their Chancellor, this Difference was happily accommodated. He lived many Years after he was divested of the Office of Chancellor of *England*, and died on the 9th of *April, 1392.*

THE Great Seal is Recorded to have been in the Custody of *William*, Archbishop of *York*, in 1334, but no otherwise than that it was delivered by him to *Henry de Ednestowe*, *Thomas de Baumburg*, and *John de St. Paul*;

and



and therefore we shall take no further Notice of him, but that we may presume to be *William de Melton*, who presided over that Archiepiscopal See about this time. Wherefore we come to observe ., that in the Eighth of *Edward III.* *Richard de Bury*, Bishop of *Durham*, was constituted Chancellor, and on the 20th of *September* this Year, had the Great Seal delivered to him, tho' he kept it he above Nine Months.

1336.

THIS *Richard de Bury* was Born at *St. Edmunds Bury*, in the County of *Suffolk*, took his Surname from his Native Place, tho' he was the Son of *Sir Richard Angervill*, Knight, who leaving him a Child, he was by a Priest named *Willoughby*, his Uncle, carefully Educated, and afterwards sent to the University of *Oxford*: There, after he had studied Philosophy and Divinity, and became a great Proficient in both, as well as Eminent for the Regularity of his Conversation, and the Sanctity of his Life, he was pitched upon, from among all the Academicks, to be Tutor to *Edward* Prince of *Wales*, afterwards King of *England*, by the Name of *Edward III.* They tell us that this *Richard*, was Treasurer of *Gascoign*, in the Reign of *Edward II.* and that having supplied the Queen with Money out of the King's Treasure, which she made use of the Prejudice of her Husband, it had like to have proved his Ruin, and he was glad for several Days together to hide himself in the Belfrey of a certain Church at *Paris*. When *Edward III.* came to the Crown, he heaped Preferments upon him; he was first made Treasurer of his Wardrobe, then Keeper of his Privy Seal, in which Office he continued about Five Years, and afterwards was sent Twice Ambassador



sador to the Pope: He was nominated to be Dean of *Wells* in 1333, and the Bishoprick of *Durham* he had conferred on him in *December* the same Year: The Chancellorship was his next Preferment, and in some time after he was Constituted Treasurer of *England*. He was imployed on several Ambassies after he became Bishop. When he had any Leasure from Publick Affairs he spent his Time either in Prayer, Conferring with Learned Men, or in his Study, wherein he took great Delight, and, among many others, he wrote a Book, called *Philobiblos*; in the Preface of which he says that *ecstatico quodam librorum Amore Potentur se abreptum*: So that 'tis no wonder he had the best Library, and even more Books than all the other Bishops, put together, in *England*. He was very charitable, and erected a fair Library at *Oxford*, and died at *Aukland* on the 24th of *April* 1345.

TO keep a due Series of Things, it's necessary to observe that *John de Stratford*, Archbishop of *Canterbury*, of whom before, was the immediate Successor of *Bury*, in the Office of Chancellor, in 1336, and that *Robert*, the Archbishop's Brother, came to the Seal in 1338: But then *Richard Binteworth*, alias *Bintworth*, Bishop of *London*, was on the 6th of *July*, in the Twelfth of *Edward III.* Constituted Chancellor and Keeper of the Seal. This Person had been One of the Prebendaries of *St. Paul*: He did not long enjoy this great Office; however, he died Chancellor, a thing not very usual, on the 8th of *December* 1339, or 1340; upon which the Great Seal was delivered to *John de St. Paul*, Keeper of the Rolls, *Michael de Wath*, or rather *Worth*, and *Thomas de Baumburg*; and on *February* 13.

1339.

1341,



1341, *John de St. Paul* was made Keeper of the Seal alone.

1341. *JOHN de Stratford*, Archbishop of *Canterbury*, succeeded him the same Year, so did his Brother *Robert*, the Archbishop; but before the Year was out the King made Sir *Robert Burgchier*, Knt. Chancellor: His Successor was *Robert Parnyng* to whom the King delivered the Great Seal on the 27th of *October*, in the 15th of his Regin 1342.

1344. *ROBERT de Sadyngton* was the next Chancellor, and had the Seal given him on *Michaelmas-Day* 1344, and *Edward III.* being on the 3d of *July* 1346, and the 19th of his Reign, ready to embark at *Sandwich* for *France*, the same Day delivered the Greal Seal to *Robert de Sadyngton*, his Chancellor, for the Government of the Kingdom in his Absence. But this Regency did not last long, for *John de Offord*, on the 26th of *October* the same Year, was made Chancellor, and had the Seal Committed to his Care.

1347. *THE* Chancellor *de Offord* being on his Departure beyond Sea, the Great Seal, on the Second of *July*, in the 20th of *Edward III.* was delivered to the Custody of *John de Thoresby*, *Thirisby*, or *Thursby*. This Gentleman was a Student at *Oxford*, where he became a great Divine, and very knowing in the Civil and Canon Laws; and amongst the many little Tracts he wrote, both in *Latin* and *English*, there was one Entituled, *A Commentary on the Lord's Prayer, the Decalogue and the Creed in English, for the Use of the People of the Province of York*, of which he became Archbishop in



in 1352. he having been first Bishop of St. David's, to which he was preferred Sept. 23, 1347. He was translated from thence to Worcester in 1349. Bale tells us, that Urban V. made him a Cardinal, by the Title of St. Sabin. He died at Thorp, Nov. 6, 1373, being reckoned among the Learned of those Times: How long he kept the Seal cannot positively be assigned, it appears he was made Chancellor on the 16th of June, 1350. We meet with no other till 1357, so that if we allow him to have been in this Great Office without any Interruption from the time he first received the Great Seal, which was in 1347, he held it for about Twenty Years.

THE next Chancellor was *William de Edington*, or *Edenton*, Bishop of Winchester, who had the Great Seal delivered to him on the 19th of February, 1357. There is nothing Memorable of him, as Chancellor: But *Goodwin* says, That being Treasurer of *England* in 1350, he caused a new Sort of Money to be Coined of somewhat a less Weight than the former, which presently enhanced the Price of every thing: And since it came to be a frequent Practice from henceforwards under several of our Princes, so that our Money at last scarce amounted to a Third Part of its Weight 350 Years ago, it's no Wonder every thing grew so dear; and hence it is that our Kings and Nobilities Estates came insensibly to be diminished a Third Part of what they anciently were: For though the Tale of their Income may be the same, the Value is vastly less. *Edington* refused the Archbishoprick of *Canterbury*, saying, That indeed the Rack of *Canterbury* was higher, but the Manger of *Winchester* larger. He Built a Mo-

1357.



nastery at *Edendon*, the Place of his Nativ-  
ity, for a Sort of People they call in *French*  
*Bon Hommes*, and richly Endowed it. He died  
in the Year 1366, and *William* of *Wickham*,  
his Successor, made his Executors pay for Dila-  
pidations 1662 *l.* 10 *s.* besides 1556 Oxen,  
4717 Weathers, 3521 Sheep, as many Lambs,  
and 127 Hogs; all which were fed upon the  
Lands of the Bishoprick.

1363.

*EDINGTON* having had the Office and  
Dignity of Lord-Chancellor about Six Years,  
the King on the 19th of *February*, in the  
36th of his Reign, gave the Seal to *Simon*  
*Langham*, Bishop of *Ely*, which See was con-  
ferred on him by Papal Authority in 1361,  
much about the Time that he was made Treas-  
urer of *England*, whereas before he was on-  
ly Abbot of *Westminster*, to which he was ad-  
vanced from Prior. He was first appointed  
to be Bishop of *London*, but *Ely* falling vacant  
before his Consecration, he preferred it, as  
being richer, tho' inferior in Dignity, before  
the other. He was translated to the See of *Can-*  
*terbury* in 1366, upon which some witty  
Fellow, but none of his Friend, made these  
Two Lines.

*Letantur Cæli, quia Simon transit ab Ely,  
Cujus in Adventum, flet in Kent millia  
Centum.*

He had a great Contest with the Students of  
the Colledge of *Canterbury*, erected by *Isip*,  
his Predecessor, and ejecting them at last,  
brought Monks into their Room. The Famous  
*John Wickliff* being One of those that were  
expelled, Providence so ordered the Displea-  
sure



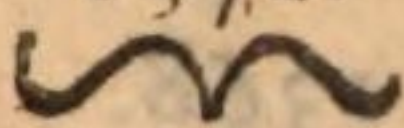
sure he conceived for the Injury done him, as to make him inspect into their Conduct, and to break the Ice for the happy Reformation, which in time ensued. *Urbam V.* on the 12th of *May*, 1367, made *Langham* a Cardinal, upon which he left his Archbishoprick, went to *Avignon*, was made Bishop Cardinal *Præneste* by *Gregory II.* and was impowered to collect the Profits of other Spiritual Promotions under the Name of Administrations; for in the Church of *Wells* only, besides the Office of Treasurer, he was also Archdeacon of *Taunton*: He lived Eight Years at *Avignon* in great Authority, and died of the Palsie *July* 22. 1376. He was extreamly liberal upon several Occasions to the Abbey and Monks of *Westminster*; and 'tis computed by some he expended in all upon them Ten Thousand and Eight Hundred Pounds.

THE next Lord Chancellor of England 1368. was the Famous *William* of *Wickam*, Bishop of *Winchester*, who was confirmed in that Office on the 17th of *September*, in the 41th Year of *Edward III.* He was Born at a Town of that Name in *Hampshire*: One of his first Preferments was that of Surveyor of the King's Buildings, but afterwards going into Orders, he was made Rector of *St. Martins in the Fields*, Archdeacon of *Lincoln*, &c. Besides which he was in Time made Principal Secretary of State, Keeper of the Privy Seal, and Bishop of *Winchester*. But I doubt it was a great Mistake, that ever he was Treasurer of *England*, as *Collier* and others make him to be, since I cannot meet with his Name in *Dugdale's* Catalogue of those who held that great Office; I believe it an Error for Chancellor, which Office he held for about Four Years the first Time;



but in 1389, and the 12th of *Richard II.* he had the same conferred again on him, and held it about Three Years more. The Money which this Man expended upon Religion and Learning, Charity and the Publick Good, was almost incredible; for he bestowed 20000 Marks in repairing Houses belonging to the Bishoprick, discharged all Prisoners in his Diocese that lay in Execution for Debts under 20*l.* repaired all the Highways from *Winchester* to *London* on both Sides the River, founded *New-College* in *Oxford*, and another College at *Winchester*; in which latter there is a large Revenue settled for the Maintenance of a Warden, Ten Fellows, Two Masters, Seventy Scholars, &c. This Bishop died in the 4th Year of *Henry IV.*

1372.



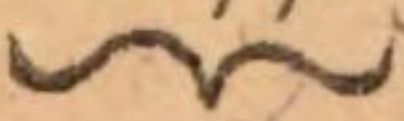
*WILLIAM* of *Wickam* was succeeded in the Office of Lord-Chancellor the first time by Sir *Robert de Thorp*, Knight, to whom King *Edward III.* deliver'd the Seal on the 26th of *March*, in the 45th Year of his Reign. I meet with nothing Memorable of him nor his Two Successors; the first of which was

1373.



*John Knyvet*, who was made Chancellor and Keeper of the Seal in the 46th Year of *Edward III.* and holding that Office to the Year

1677.



1677, *Adam de Houghton*, Bishop of *St. David*, had the Great Seal deliver'd to him, and was made Chancellor on the 11th of *January*, in the 50th Year of the same King's Reign. He was Bred at *Oxford*, where he proceeded to the Degree of Doctor of Laws. He came to the See of *St. David* by the prevailing Intrusive Power of the Pope, and having survived his Office of Chancellor several Years, died in *April* 1389.

RICHARD



*RICHARD II.* succeeding his Grandfather in the Throne of *England* in 1378, in the Second Year of his Reign, removed *Houghton* from the Office of Chancellor, and delivered the Seal into the Custody of Sir *Richard de la Scrope*, Knt. who for the present held his Place for about 2 Year only, and was dispossessed; yet in 1382, and the 5th of King *Richard's* Reign, he was made Chancellor and Keeper of the Great Seal again on *Wednesday* before *St. Andrew's Day*: But this being a fickle and unconstant Reign, and the Chancellor refusing to seal some Grants which the King had made, he was turned out, and the King having kept the Seal by him for some time, sealed such Grants and Writings as he pleased.

1379.

*SIR Richard Scrope* upon his first Deposition was succeeded in the High Office of Lord Chancellor of *England* by *Simon Sudbury*, Archbishop of *Canterbury*, who had the Seal delivered to him the 3d of King *Richard II.* His Father was a Nobleman, called *Nigel Theobald*; but *Simon* took his Surname from the Town of *Sudbury* in *Suffolk*, where he was Born in *St. George's* Parish. When he grew up he was sent by his Father Beyond Sea, to study the Civil Law, of which he became Doctor, after he had been at several Universities in *France*; then he was admitted of the Council to *Innocent VI.*, and Auditor of the *Rota* in the Court of *Rome*. He was by the Means of the Pope first made Chancellor of *Sarum*, then Bishop of *London*, from whence he was translated to the See of *Canterbury* on the 6th of *June* 1375. He Celebrated Two Synods. At that Time one *John Bale* setting up for a Leveller, and having drawn a great many People to espouse his

1380.



wild Notions, the Archbishop by some Fatality or other was the Instrument to get him released out of Prison, which proved his own Ruin : For *Wat Tyler* and *Jack Straw* having out of the Dregs of *Bale's* Followers drawn together almost Threescore Thousand People, they marched to *London*, and attacked the *Tower*, whither the Archbishop and *Hales* the Treasurer were retired, seized their Persons, and beheaded them both on *Tower-Hill*. The Archbishop and Chancellor spoke much to the People, and shewed great Constancy and Resignation at his Death, which in the manner of it was very Barbarous, and hapned on the 14th of *June* 1381. *Walsingham* gives him the Character of a very Eloquent Man, and incomparably Wise above all the Great Men of the Kingdom.

1381.

THE Great Seal, upon the Abominable Murder of Archbishop *Sudbury*, was delivered to *William Courtney*, then Bishop of *London*, with the Title of Chancellor. He was the Son of *Hugh Courtney*, Earl of *Devonshire*; and tho' a Youth, studied hard the Civil and Canon Law; then going into Orders, grew Rich in Ecclesiastical Preferments, a Prebend of *Exeter* being conferred upon him, another of *Wells*, a third of *York*, besides I know not how many good Livings. He was made Bishop of *Hereford* in 1369, and from thence, after Five Years and Six Months, translated to *London*. While he sat in this See some Difference arose between him and *John* of *Ghent*, Duke of *Lancaster*, which the *Londoners* so resented, that they pulled Part of the Duke's House down, and would have killed him, had he not escaped; but at the Bishop's earnest Intreaty they spared the rest of the Building. He was made a Cardinal in 1378, afterwards he became Archbishop, which was



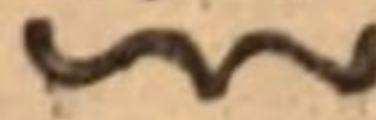
was in 1381. He celebrated a Synod at *London*, condemned *Wickliff's* Doctrine, and made several of his Followers recant: He and his Suffragans would not attend the Trial of several Great Men in Parliament, as being Matter of Blood; he visited the Diocesses of his Province by Vertue of the Papal Bull, and found great Opposition therein by some of the Suffragans; but he surmounted all, and from thenceforward none of them contended against the Archiepiscopal Visitation. A little before his Death he required the Sixtieth Part of the Yearly Income of the Clergy in his Province, which he said was allowed him by the Pope: But the Bishop of *Lincoln* refusing to pay, and appealing to the Pope, the Archbishop died while the Matter was depending, *July 31. 1396.* The Time of his Chancellorship was but short, for he was put in but in the 4th of *Richard II.* and Sir *Richard Scrope* had the Seal delivered him again the Year following.

S I R *Richard le Scrope* was succeeded in the Chancellor's Office the 6th of King *Richard* 1383. by *Robert de Braybroke*, Bishop of *London*, to whom the Great Seal was deliver'd on Sunday the Eve of *St. Matthew*, this Year. He was, after divers Inferior Dignities, upon the Translation of Bishop *Courtney* to the Archbishoprick of *Canterbury*, preferred to the See of *London* in 1381; but the Office of Chancellor he did not hold above half a Year. In 1387, being desirous to serve his Country, he endeavoured to get King *Richard* reconciled to his Unkle *Thomas*, Duke of *Gloucester*, and several other Noblemen, then out of Favour, taking the Liberty to reprimand *Robert de Vere*, Duke of *Ireland*, in the Presence, for abusing his Interest



rest with the King, and putting him upon wrong Measures. Bishop *Braybroke* in 1394 failed after the King into *Ireland*, to perswade him to suppress the *Lollards*, which was done accordingly: He died in 1404.

1383.

 B I S H O P *Braybroke* was succeeded in the Chancellorship by Sir *Michael de la Pool*, Knt. the Seal being delivered him on the 13th of *March* this Year. This Gentleman was a Merchant's Son, and honoured much about the same time with the Title of Earl of *Suffolk*. He must certainly be a Person of Accomplishments by the Ascendency he had over King *Richard*; but withal he is represented in History for a Court-Flatterer, and an Instrument to set the King at Variance with his People: And when the King came to take the Government upon himself, and to demand a Subsidy towards his Wars, he was answered, He had no Occasion for any from his Subjects if he would but call in the Debts the Chancellor owed him; and that if he had so much Tenderneſs towards him that he could not find in his Heart to do it himself, they would do that Work for him.

I N short, the Parliament charged the Chancellor with such heinous Crimes that all his Goods were confiscated if the King pleased; tho' others will have his Sentence to be, to pay a Fine of 20000 Marks, and 1000 Pounds Yearly besides: The Chancellor and the other Sycophants of the Court hereupon studied Revenge, and looking upon the Duke of *Gloucester* as the chief of the Lords that oppos'd the King's Unlawful and Arbitrary Designs, they conspire to kill him: However, a Subsidy was at last granted to the King, upon Condition it should be  
apply'd



apply'd as the Lords would direct; and both Houses positively agreed, and represented to King *Richard*, unless the Chancellor was removed they would proceed no further in Parliamentary Business; so that the King was necessitated to comply, and discard the Earl of *Suffolk* from his Office.

BUT as soon as the Parliament was dissolv'd he was in as high Favour, and as constant an Attendant upon the King as ever; and *Richard*; so far prevailed as to get his corrupt Judges to give their Opinions, and to answer Questions put them in relation to the late Transactions, as he pleased; and more particularly to declare that the Judgment given in Parliament against *Michael de la Pool* was erroneous and revocable; and that if the Judgment were now to be given the Justices would not do the same.

NOT long after the Earl of *Suffolk*, being apprehensive there were some Designs laid to surprize him, he fled over to *Calais* in Disguise, having shaved his Beard, and took upon him to be a Poulterer that had rare Fowls to sell: But being discover'd by the Lord *William Beauchamp*, Deputy of *Calais*, he sent him a Prisoner into *England*: But the King allowed him his full Liberty, to make the World believe the Earl was more afraid than hurt, and more suspicious than he had Occasion to be: However, in the beginning of the Parliament that ensued, the Earl of *Suffolk*, with divers others of Quality and Adherers to the Court, upon their Non-appearance, were by unanimous Consent banished for ever, and all their Lands and Effects seized on to the King's Use, (their Entailed Estates only excepted): What became of the Earl after this History is silent, and 'tis very probable from the Times which ensued that he died in Exile.

MICHAEL



1387. *MICHAEL de la Pool*, Earl of *Suffolk*, being removed from the Office of Lord Chancellor in the manner already related, *Thomas of Arundel*, Bishop of *Ely*, was on the 24th of *October* this Year, in the 10th of King *Richard*, constituted Chancellor and Keeper of the Great Seal in his Room, with the Consent of Parliament; who at the same time having appointed Thirteen Lords to have an Oversight of the Affairs of the Kingdom, the new Lord Chancellor being also advanced to the See of *York*, was the first named for this Purpose. But when the Parliament once broke up, their Inspection proved of no long Duration: King *Richard* fell to his Old Counsels, and would have secured the Duke of *Gloucester* and other Lords that stood in the Way, and opposed his violent Courses. The Chancellor sided with the Lords, yet carry'd it with such Moderation, that he was sent by the King to require the Lords to come and meet him at *Westminster* upon a Day appointed, and all Things were to be left to the Determination of a Parliament, who tied up the King's Hands as well as they could from doing any Mischief: However, to shew his Authority, he removed *Arundel*, now Archbishop of *York* in 1388, from being Chancellor in a little more than a Year's Time, and *William of Wickam*, as aforesaid, had the Seal delivered to him on the 4th of *May*, 1389. *Wickam* having acted the Part of Chancellor Three Years more, and upwards, the Seal came once more into the Hands of the Archbishop on the 4th of *September* 1392. About this Time a Servant of the Bishop of *Salisbury*, Lord Treasurer, happening to take a Loaf out of a Baker's Basket as he passed along the Street, the Citizens



zens assaulted the Bishop's House upon it, and the Chancellor thereupon concurring with the Treasurer to have the Mayor, Aldermen, and several of the most Substantial Citizens, Arrested for the Riot, this gave the King a Handle to seize upon the Liberties of the City, and to appoint a Warden to govern it. The Archbishop exercised the Office of Lord Chancellor above Five Years this second time; but being laid by again in 1397, tho' the Year before he had been translated from *York* to *Canterbury*, he had the Seal deliver'd to him a third time, in the 8th of *Henry IV.* Anno 1407, was dispossessed of it in 1410, having held it about Four Years, and died on the 20th of *February*, 1413. I had almost forgot to observe that *Thomas* was the Son of *Robert*, Earl of *Arundel* and *Warren*, and that he had been Archdeacon of *Taunton* when he was scarce 22 Years of Age. It must in like manner be remembered that this *Arundel* is the same Archbishop, who in a Parliament, got to King *Richard II's* Mind, and begun at *Westminster* on the 17th of *September*, 1397, was accused of High Treason by Sir *John Bushy*, Speaker; and when the Archbishop began to answer for himself, the Speaker intreated the King that this might not be allowed him, lest he might by his Subtilty and great Wit bring Persons over to believe him; so that he was forced to remain silent, and being at last condemned to perpetual Banishment, was ordered to leave the Kingdom within the Compass of Six Weeks: The Archbishop in his Exile having frequent Opportunities to converse with the Duke of *Hereford*, likewise under Sentence of Banishment, highly aggravating to him the Grievances of King *Richard's* Government, was a main Instrument to perswade the Duke to set up for the Crown,  
and



and attended him in his Expedition, he being the Person who at last crowned him King of England.

1397.

KING *Richard* on the 23d of *November*, in the 20th Year of his Reign, was pleased to make *Edmund Stafford*, Son of *Ralph*, Earl of *Stafford*, Bishop of *Exeter*, Keeper of the Great Seal: I find nothing Memorable concerning this Bishop and Lord-Keeper, only some say *Exeter-Colledge* had its Name from him, to which he was a Benefactor. It seems he was at first no Favourer of the Cause of *Henry IV.* for that King, in the beginning of his Reign, viz. on the 15th of *November* 1400, displaced him, and made *John de Searle*, called by others Sir *John Searle*, Keeper of the Chancery-Rolls, Lord Keeper in his Stead: However, *Edmund*, by what Means I know not, got into Favour again, and on the 9th of *March* 1401. was constituted Chancellor and Keeper of the Seal, which he held about Three Years, and died on the 4th of *September* 1419.

1404.

THIS Year the King was pleased to make *Henry Beaufort*, Bishop of *Lincoln*, his half Brother, he being the Son of *John* of *Gaunt*, Duke of *Lancaster*, by *Katherine Swinford*, and made Legitimate by Act of Parliament, Lord Chancellor, which Office he held for the present but a short time, but in the first Year of *Henry V.* 1414, his Nephew, he being then Bishop of *Winchester*, was made Chancellor, and Keeper of the Seal again, and held it this time about Four Years; but it being once more taken away, it was his Fortune the third Time to have that Great Office conferred upon him on the 16th of *July* 1424, in the Second Year of *Henry*



*Henry VI.* This Gentleman had studied in the Universities of *Oxford* and *Aix la Chapelle*, was made Bishop of *Lincoln* in 1397, and of *VVinchester* in 1404. He went Ambassador into *France* in 1414, and in the Year 1426 Pope *Martin V.* sent him a Cardinal's Hat. He was then returned into *England*, and by his Interest procured *James I.* King of *Scotland*, his Liberty, who was there a Prisoner. He oppos'd the Project of his Nephew, King *Henry V.* for raising new Tenths upon the Estates of the Clergy. This Design fell by the Cardinal's Interest; and to shew his Inclination to the King's Service, he presented him with 2000 *l.* Sterling. The Cardinal in 1431 accompanied young King *Henry VI.* into *France*, and in November that Year Crown'd him King of *France* in the Church of *Notredame* at *Paris*. Afterwards he endeavour'd the Reconciliation of the Dukes of *Burgundy* and *Bedford*; but their private Designs were so different that he could not compass it: At last being advanced in Years, he retired to *VVinchester*, where he founded an Hospital, and died on the 11th of *April* 1447, leaving the Reputation behind him of an Able Minister of State.

*BEAUFORT*, the first time he was Chancellor was succeeded in the 6th of *Henry IV.* by *Thomas Langley*, Bishop of *Durham*, who held the Seal about Two Years for the present, came to it again on the 23d of *July*, in the 5th of *Henry V.* 1418, and holding the same Dignity till the 1st of *Henry VI.* he was then constituted Lord Chancellor by the Advice and Consent of the whole Council of the Nation in Parliament assembled. This Bishop was made a Cardinal on the 6th of *June* 1411. by Pope

1404.



Pope *John XXIII.* and having been Chancellor this last time about a Year, he died in 1437.

1410.

*JOHN Wakering*, Clerk, Keeper of the Chancery Rolls, had the Great Seal put into his Custody on the 19th of *January*, in the 11th of *Henry IV*; but he held it only a few Days; for *Sir Thomas Beaufort*, Knt. Son of *John of Gbeunt*, Duke of *Lancaster*, by *Katherine Swinford*, was made Chancellor, and had the Great Seal delivered to him on the 31st of the same Month: This Gentleman in the Reign of King *Richard* was generally an Opposer of his Ill Government: He was first created by that Prince Earl of *Somerset*, by *Henry IV.* Marquis of *Dorset*, and last of all Duke of *Exeter*. He held the Great Seal till the Death of *Henry IV.* when his Brother, the Bishop of *Winchester*, was made Chancellor, as afore said; he was engaged in the War of *Hen. V.* in *France*; and when his young Son *Henry VI.* came to the Crown, the Guard of his Person was committed to this Right Noble *Thomas*, Duke of *Exeter*, who demeaned himself very prudently in his Office: But dying at *East-Greenwich* in *Kent*, in 1425, it seems without Issue, he left the King his Heir, and his Place was presently supply'd by the Earl of *Warwick*.

1417.

I need not repeat what has been said of the Cardinal of *Winchester* having the Seal in the First of *Henry V.* It must be noted that in the 4th of that King's Reign, on the 4th of *September*, *Simon Garnstede*, Clerk, and Master of the Rolls, had the Great Seal committed to his Custody; but he holding the same no longer than the 12th of *October* following, the Cardinal had it again.



IN the 4th of *Henry VI.* *John Kemp*, then <sup>1425.</sup> Bishop of *London*, was made Chancellor of *England* in the Month of *March*. It's said he was Born in the County of *Kent*, and Educated at *Merton-College* in *Oxford*, where he commenced Doctor of Laws. He was afterwards first made Archdeacon of *Durham*, then Dean of the Arches, and the Archbishop's Vicar-General. He was in 1418 consecrated Bishop of *Rochester*, from thence translated to *Chichester* in 1422, and from that See to *London* the same Year: He had the Bishoprick of *York* conferred upon him in 1425, tho' not without some Contest between the Monks there and the Pope about it. But in 1439, on the 18th Day of *December*, he was created Cardinal by the Title of *St. Albinus*, which afterwards, when he came to the Archbishoprick of *Canterbury*, he changed for that of *St. Rufinus*: He was advanced to the See of *Canterbury* in 1462. He continued not Chancellor above Six Years the first time, but he came to the Seal again in the 28th of *Henry VI.* on the 31st of *January*, <sup>1450.</sup> 1450, he then being Archbishop of *York*, and Cardinal, and performed the Office of Chancellor for about Four Years longer. He was not Archbishop of *Canterbury* above a Year and an half; for being old, and full of Days, he died on the 22d of *March*, 1453.

SOME BODY thought fit to comprehend his Ecclesiastical Preferments in this Line.

*Bis primas, ter praeses & bis Cardinale Functus.*

THIS Prelate was reckoned among the Chief Benefactors of the University of *Oxford*, tho' what he did for it is not very obvious: He was



was very Rich when he died, and in his Lifetime had very much contributed to the enriching of his Relations.

1432.

*K E M P* was the first time succeeded in the Office of Chancellor by *John Stafford*, Bishop of *Bath*, having received the Seal into his Hands *February 28th* in the 10th of *Henry VI.* This Gentleman was the Son of the Earl of *Stafford*, Born at a Place call'd *Hook* in *Dorsetshire*, and brought up at *Oxford*, where he proceeded Doctor of Laws, and had the Reputation of being a Learned Person. He practised as Doctor for a time, but *Chischeley*, Archbishop of *Canterbury*, taking Notice of his Abilities, made him Dean of the Arches, and by his Interest it was that he obtained the Deanary of *St. Martin*, and the Prebend of *Milton*, in the Church of *Lincoln*: He being much beloved by *Henry V.* was made Dean of *Wells*, Prebend of *Sarum*, and Keeper of the Privy Seal. In the last Year of that King he was constituted Treasurer of *England*: But that Hero immaturesly dying, tho' he seemed to have been deprived of his best Patron, yet he was made Bishop of *Bath* and *Wells* in 1425. He was translated to the See of *Canterbury* in 1443, and held the Office of Chancellor for Eighteen Years together; only we read that *John Frank*, Keeper of the Rolls, received of *John Stopingdon*, Clerk, the Great Seal, to make use of the same, but on the Part of the Lord Chancellor: He died at *Maidston* in *Kent*, *July 6. 1452*, and his Successor, both as to the Chancellorship, and the Archbishoprick of *Canterbury*, was *John Kemp*, before-mentioned.



IN the 3<sup>d</sup> of *Henry V.* on the Second Day <sup>1454</sup>  
of *April*, *Richard Nevill*, Earl of *Salisbury*,  
was made Lord Chancellor of *England*: This  
Earl, among others, early espoused the Interest  
and Claim of *Richard Duke of York* to the  
Crown of this Realm; and having contributed  
his Assistance to get him made Protector of the  
King's Person, and of the Kingdom, they  
were vigorously opposed by the Queen and the  
Duke of *Somerset*: This *Richard*, Earl of *Sal-*  
*isbury*, was Eldest Son to *Ralph*, Earl of  
*Westmoreland*. He had been Warden of the  
West Marshes towards *Scotland* in the First  
and Second Years of *Henry VI.* and one of the  
Commissioners to treat with King *James I.* of  
*Scotland* about a firm Peace: And Marrying  
*Alice*, Daughter and Heir to *Thomas de*  
*Montacute*, Earl of *Salisbury*, had that Title.  
In the Eleventh of *Henry VI.* he was made  
Warden both of the East and West Marshes,  
and in the Fourteenth of the same Reign re-  
turned to serve in *France*, with Seven Knights,  
Two Hundred Forty-nine Men at Arms, and  
1046 Archers: He was made Governour of  
*Carlisle*, and with his Son *Richard*, the Great  
Earl of *Warwick*, had the Grant of 9083 *l.* 6 *s.*  
8 *d.* per Ann. out of the Customs.

THE Earl, by siding with the *York* Facci-  
on, could not long enjoy the Great Seal, it  
being alledged against him, that the Great  
Seal was indeed never delivered to him; since  
the same that was then used had been made since  
the King's Restraint, and therefore was not  
valid: This made him the more tenaciously  
adhere to the Interest of the House of *York*;  
and taking up Arms on that Side in the Thirty-  
sixth of *Henry VI.* he defeated the King's  
Forces



Forces at *Bloreheath*, near *Drayton* in *Shropshire*. The Old Soldiers in the Thirty-eighth of *Henry VI.* having deserted the Duke of *York*, he fled to *Calais*, and was Attainted in the Parliament held at *Coventry*. But adventuring again with the Duke of *York* into *England*, and obtaining a notable Victory against the *Lancastrians* at *Northampton*, he was made Lord Great Chamberlain of *England*. But a little while after he was Taken in a Battle against *Henry VI.* near *Wakefield*, his Son, *Sir Thomas*, Slain, he himself Beheaded, and his Head set upon a Pole over one of the Gates of *York*.

THIS great Earl's Sons were the Famous *Richard*, Earl of *Warwick*, and after his Fathers Decease Earl of *Salisbury*, *John*, Marquis of *Mountague*, *Sir Thomas*, *George*, Bishop of *Exeter*, and afterwards Archbishop of *York*. His Daughters were *Joan*, married to *William Fitz-Allan*, Earl of *Arundel*, *Cicily* to *Henry Beauchamp*, Earl of *Warwick*, *Alice* to *Henry*, Lord *Fitzbugh* of *Ravenstath*, *Eleanor* to *Thomas Stanley*, the first Earl of *Derby* of that Name, *Katherine* to *John de Vere*, Earl of *Oxford*, and afterwards to *William*, Lord *Hastings*, Chamberlain to King *Edward IV.*

1455.

THE Earl of *Salisbury* was succeeded in the Chancellorship by *Thomas Bouchier*, Archbishop of *Canterbury*, who had the Great Seal delivered to him on the 7th of *March*, in the Thirty-third of *Henry III.* He was the Son of *Henry Bouchier*, Earl of *Essex*, Born in the latter End of the 14th Century: He was Educated at *Oxford*, of which University he was made Chancellor in 1434. He was first preferred to the



the Deanery of *St. Martins*, then to the Bishoprick of *Worcester*, from whence he was Translated to *Ely*, and from thence to *Canterbury*, in 1455: The Dignity of Lord Chancellor he held somewhat above Two Years.

U P O N the Death of King *Edward* the Fourth, *Thomas*, Lord Archbishop of *York*, *John*, Lord Bishop of *Lincoln*, *Edward*, Lord Bishop of *Chichester*, *John*, Lord Bishop of *Ely*, *William*, Lord *Hastings*, *Thomas*, Lord *Stanley*, and Sir *Thomas Montmery*, Knt. Executors to that King, exhibited his Will to the Archbishop of *Canterbury*, and desired Time of him to consider whether they should act in the Executorship, or refuse it; the Archbishop granting them this their Request, put the King's Goods, &c. by Way of Sequestration, into the Hands of *William Dawbeny*, *Richard Laurence*, and *Robert Foster*, in the Presence of almost all the Lords Spiritual and Temporal of the Kingdom, in whose Hands the Goods were to remain, till the Lords abovenamed came to a Resolution. As for the Great Seal, the Privy Seal, and the Seal Manual, the Archbishop kept them in his own Custody: In the mean time the Executors were allowed by the Archbishop to make Sale of so much of the Goods as were sufficient to defray the Funeral Charges, the rest of them being still kept under Sequestration: This Archbishop was made a Cardinal in 1464, and died in 1486.

A R C H B I S H O P *Bourchier* was succeeded in the Office of Lord Chancellor by *William Wykham*, Bishop of *Winchester*, who had the Seal delivered to him on the 11th of *October*, in the Thirty-fifth Year of *Henry VI.* Who this *Wykham* was otherwise I cannot trace



by any Footsteps I can meet with, or whether he was any ways akin to the Famous *William of Wickam*, Bishop of *Winchester*, whose Life has been already given, shall be no Subject of our Inquiry at this time.

O N L Y 'tis highly probable that *Dugdale* mistakes the Name, and that instead of *William Wykham*, it should have been *William Waynfleet*, Provost of *Eaton Colledge*, then newly Founded by *Henry VI.* This Gentleman was the eldest Son of *Richard Pattin*, of an Illustrious Extraction, and took the Name of *Waynfleet* from the Custom of the Monks of those Times, who usually fixed that of the Place of their Nativity upon them: He was Bred in *Wickham Colledges*, first at *Winchester*, afterwards at *Oxford*, till he became Master of *Winchester School* for Twelve Years together, when removed to *Eaton*, he came to the Bishoprick of *Winchester* on *July 30, 1447*, and presided Thirty-nine Years over that See: He stuck close to the Interest of his good Patron, *Henry VI.* so that he was frowned upon by *Edward IV.* However, this Prelate amassed Money enough to Build, and nobly to Endow, *Magdalen Colledge* in *Oxford*. He died on the 11th of *August 1486*, after, to his great Joy, he saw the House of *Lancaster* restored in the Person of *Henry VII.* It's possible some might call him by the Name of *Wickham*, because he had so much to do, in Point of Education, and otherwise, with those Schools Built by *William of Wickham*; besides that, he was his Successor in the Bishoprick of *Winchester*, and only *Henry Beaufort* between them. *Goodwin* says he was Chancellor almost Nine Years, viz. from the 11th of *October 1449*, to the 7th



7th of *July* 1458, but that he quitted the Office a little before the Battle of *Northampton*, and voluntarily surrendered up the Great Seal to the King: But certainly, if *Dugdale's Chronica Series*, and others of our Historians, have any Truth in them, *John*, Cardinal and Archbishop of *York*, *Richard*, Earl of *Salisbury*, and *Thomas Bouchier*, Archbishop of *Canterbury*, must in their Turns have acted as Chancellors for some part of this time.

T H E Great Seal came on the 25th of *July*, in the Thirty-eighth of *Henry VI.* to be delivered to the Custody of *George Nevill*, Bishop of *Exeter*, and afterwards Archbishop of *York*: This Gentleman was Brother to *Richard Nevill*, the Great Earl of *Warwick*, and Born in the 15th Century: He studied in *Balliol College* in *Oxford*, and was Chancellor of that University: He was Consecrated Bishop of *Exeter* in *November* 1455, and was not Thirty Years of Age, when made Lord Chancellor of *England*. 1460.

H E continued in this Post till 1464, (saith my Author,) tho' I do not find the Place filled up till 1468: That is, he was Chancellor till *Edward IV.* Married the Lady *Gray*, by which Match the King being conscious he had disgusted the Earl, his Brother, then Ambassador in *France*, and treating a Marriage for his Master at that Court, thought it adviseable to weaken the Earl of *Warwick's* Interest, which made him remove his Brother, the Bishop, from his Office of Chancellor: Notwithstanding the Bishop's being in Disfavour at Court, he was promoted to the Archbishoprick of *York* in 1466, which



he kept to his Death; tho' not without considerable Traverses of Fortune. When King *Edward* had the Misfortune to be taken Prisoner, he remained for some time in the Custody of this Archbishop, who, it must be allowed, used the King with great Respect, not restraining him from the Diversions of Hunting, and walking Abroad, by which means *Edward* made his Escape, and soon after recovered his Crown. Upon that Success the Archbishop was surprized in his Palace at *London*, and sent to the *Tower*, but was not long after set at Liberty.

A B O U T a Year after this Enlargement the King had him Arrested for High Treason, Seized his Plate, Money, and Furniture, to the Value of Twenty Thousand Pounds, sending him to *Calais*, where he was kept Prisoner. Amongst other Rich Moveables taken from him, there was his Mitre, of an Immense Value in Jewels, which the King ordered to be broken, and worked up into a Crown. This Misfortune befel the Archbishop in 1472; he was restored to his Liberty in 1476 by the Interest of his Friends, and died soon after. In this Archbishop's Time Pope *Sextus* IV. made the Bishop of *St. Andrew* Primate of all *Scotland*, and put Twelve Bishops under his Jurisdiction. *Scotland* till that time belonged to the Province of *York*: The Entertainment at the Instalment of this Prelate was remarkably Magnificent, and is mentioned by divers Historians.

1468.

S O M E time after the Great Seal was taken from Archbishop *Nevill*, it was on the 8th of *June*, in the Seventh Year of *Edward* IV. committed to the Custody of *Robert Stillington*,  
Bishop



Bishop of *Bath and Wells*, with the Title of Lord Chancellor.

**T H I S** Person studied at *Oxford*, and proceeded there to the Degree of Dr. of Laws, became Archdeacon of *Taunton*, first Keeper of the Privy Seal, and then Lord Chancellor: He was made Bishop of *Bath and Wells* in April 1465, and met with Variety of Fortune under different Princes. He was much in Favour with *Edward IV.* who imployed him in several Ambassies, and more particularly in one to the Duke of *Bretagne*, to perswade him to give up the Earl of *Richmond*, Heir of the *Lancastrian* Family, and afterwards King of *England*: *Stillington* left nothing unessay'd to accomplish it, tho' in vain. He fell in too much with the Interest of *Richard III.* and was one of his Supporters at the Coronation: So that he must expect no Countenance after all this, upon the Coming in of *Henry VII.* whom he still offend-  
ed to a higher Degree, by promoting the Imposture and Rebellion of *Lambert Simnel*, who took upon him to be Earl of *Warwick*, and Heir to the House of *York*. He endeavoured to conceal himself at *Oxford*, but being detected, the University at last was induced, or rather connived, to have him delivered to the King's Officers, who in *October* 1487 Conducted him to *Windsor*, where he remained a Prisoner to his Death, which hapned in *June* 1491.

**STILLINGTON** was succeeded by *John Alcock*, then Bishop of *Rocheſter*, who was made Keeper of the Great Seal on the 20th of *September*, in the 12th Year of *Edward IV.* He was Born at *Beverley*, in the  
[ D 4 ] County



County of *York*, Bred at *Cambridge*, and from Dean of *Westminster*, in 1471, made Bishop of *Rochester*; from whence he was Translated to *Worcester* in 1476, and made President of *Wales*: He came in 1486 to be Bishop of *Ely*, and in the first Year of *Henry VII.* was made again Chancellor, tho' he continued but a short time in that high Station, he being Translated from this to another Life on the 1st of *October*, Anno 1500. *Bale* gives him a great Character for his Piety, Abstinence, and other Religious Mortifications: He Built a Chapel at *Beverley*, Founded a Chantry for his Parents, and turned *St. Radegunda's* Old Nunnery at *Cambridge*, first Founded by *Malcolm*, King of *Scots*, into a New College, called *Jesus-Colledge*.

1474.

THE next Chancellor was *Laurence Booth*, Bishop of *Durham*, who came to the Seal on the 5th of *June*, in the Thirteenth of *Edward IV.* He was Master of *Pembroke-Hall* in *Cambridge*, and a Liberal Benefactor to it. He was also Chancellor of that University: They made him Bishop of *Durham* on the 25th of *September* 1357, and after Twenty Years Presiding there, he was Translated to *York* in 1477. *Goodwin* makes him Chancellor in the Month of *August* 1472. but I rather follow *Dugdale's Chronica Series*, and place him in 1474. He died at *Southwell*, after he had presided over the Province of *York* Three Years and Nine Months.

1475.

IN the Fourteenth Year of *Edward IV.* *Thomas Rotheram*, then Bishop of *Lincoln*, but afterwards Archbishop of *York*, was made Lord



Lord Chancellor of *England*. His Name was *Stot*, and being Born at *Rotheram*, a Market Town in the West Riding of *Yorkshire*, he took his Surname from it.

He first studied at *Cambridge*, and became Master of *Pembroke-Hall* in that University, of which he was also Chancellor: He was made Bishop of *Rochester* in 1464, Translated to *Lincoln* in 1471, and from thence to *York* in 1480.

UPON the Death of *Edward IV.* the Queen Dowager, with her Beloved Son, *Richard* and Five Daughters, taking Sanctuary at *Westminster*, for fear they should fall into the Hands of their Cruel Uncle *Richard*, Duke of *Glocester*, the Lord Chamberlain sent a Messenger to the Lord Chancellor *Rotheram*, to assure him there was no manner of Danger to the King and the Royal Issue, and all should be well; to which the other replied, *Be it as well as it will, I assure him it will never be so well as we have seen it.* Then going away by Night, with the Great Seal along with him, to the Queen, unadvisedly delivered it to her Majesty, but repenting his Mistake, sent for it, and had it again. This Archbishop was the Person imploy'd to the Queen to perswade her to send her Young Son, the Duke of *York*, to keep the King, his Brother, Company; and having used many Arguments to her in order to it, she took her Child at last by the Hand, and said, *My Lord Archbishop, here he is, for my own Part I can never deliver him, but if you will needs have him, take him, I will require him at your Hands.* The unhappy Exit of the Two Young Princes is not to be recounted here; what the Archbishop did in respect



respect to the youngest seems to have been well, and honestly meant, and so can be no Stain upon his Memory.

THE Seal was taken from Archbishop *Rotheram* in the First of King *Richard III.* and himself imprison'd. He died at *Cawood* in 1500, aged 76. He was one of the Founders of *Lincoln-Colledge* in *Oxford*, and shew'd his Affection to the Place of his Nativity, by Building likewise a Colledge there, with Three Schools, for Grammar, Writing, and Musick.

1484.

ROTHERAM being out, the Great Seal was on the 26th of *November* this Year delivered to *John Russell*, or *Rossell*, Bishop of *Lincoln*, the most Learned Man of his Time. He was Doctor of Divinity, and preferred first to be Archdeacon of *Berks*. His Piety, Wisdom, Experience, and uncommon Learning, are much Celebrated by *Sir Thomas Moor*: He was the first Chancellor of the University of *Oxford* for Life: The most considerable of his Works are upon the *Canticles*: *De potestate summi Pontificis & Imperatoris*, &c. he died at his Mannor of *Nettleham*, *July 30*, 1490.

1485.

RUSSEL had not been Chancellor Two Years when the Great Seal was taken from him, and committed into the Custody of *Thomas Barrow*, Master of the Rolls, with the Title of Keeper, on the First Day of *August*, in the Third of *Richard III.* But King *Richard's* Reign being not long-lived, we meet with nothing Memorable of this *Barrow*, only it must be to him, as I take it, that the King wrote



wrote a Letter with his own Hand, which is still to be seen in the *Tower of London*, requiring him to send him the Great Seal, a little before he was to go and encounter the Earl of *Richmond*, who afterwards dispossessed him of his Life and Crown in the Battle of *Bosworth-Fields*.

*A L C O C K*, who was the First Chancellor to *Henry VII.* being after a few Months time deprived of his Life, as before noted, and the great Seal together, the same on the 8th of *August*, in the Second Year of King *Henry's* Reign, was delivered into the Custody of *John Morton*, Archbishop of *Canterbury*, with the Title of Lord Chancellor of *England*. This Gentleman was Born at a Place called *Beer*, in *Dorsetshire*, was very considerable in the Profession of the Civil and Canon Law, and went out Doctor in that Faculty at *Oxford*. He rendered himself so Eminent and Famous for his Pleading in *Doctors-Commons*, that he was thought well qualified for a Privy-Counsellor: He was recommended by *Thomas Bourchier*, Archbishop of *Canterbury*, before-mentioned, to King *Henry VI.* and got him in that King's Reign preferred to the Council Board; at which he behaved himself to so much Advantage, both as to his Integrity and Abilities, that King *Edward IV.* continued him in the same Post, upon his Accession to the Throne. This Prince unhappily dying in 1483, and leaving his Sons, *Edward V.* and *Richard Duke of York*, under the Protection of his Cruel Brother *Richard*, Duke of *Gloucester*, who proved so monstrously Ungrateful as to make away with his Innocent Nephews, and Usurp the Throne; he afterwards, notwithstanding

1487.



withstanding all his Artifices, found it impracticable to corrupt the Integrity of *Morton*, who was then Bishop of *Ely*, and therefore he clapped him and several other great Lords into Prison: The Prelate however making his Escape, he projected the Marriage between the Earl of *Richmond*, afterwards *Henry VII.* and the Princess *Elizabeth*, Daughter to *Edward IV.* and by that means proved the happy Instrument of uniting the Two divided Houses of *York* and *Lancaster*. The Bishop was in like manner very serviceable in promoting the Cause and Success of the Earl of *Richmond* against King *Richard III.* which latter being Slain in the Battle of *Bosworth-Fields*, and the former having now obtained the Crown of *England*, called home Bishop *Morton*, who at that time resided in the *Netherlands*, nominated him to the Archbishoprick of *Canterbury*, made him Lord Chancellor of *England*, as aforesaid, and in 1494 procured him a Cardinal's Cap from Pope *Alexander VI.* This Great Man died in *October* 1501, leaving behind him the Character of a Learned Prelate, and a Great Statesman.

1501.

ARCHBISHOP and Cardinal *Morton* dying, as before remembered, King *Henry* on the 13th of *October* the same Year was pleased to deliver the Great Seal into the Custody of *Henry Deane*, Bishop of *Salisbury*, with the Title, I presume, of Lord Keeper only: This was done at *Woodstock*, and a little after the same *Henry* was made Archbishop of *Canterbury*, but he did not long survive to enjoy either of those Two Eminent Dignities; neither can I meet with any thing else, either



either Material or Remarkable, concerning him.

D E A N E was succeeded by *William Warham*, Bishop of *London*, Archbishop of *Canterbury* Elect, who had the Great Seal delivered to him on the 11th of *August* the same Year, and afterwards on the First Day of *January* was nominated to be Lord Chancellor of *England*. This Gentleman, who was descended from a good Family, was Born at *Oakley* in *Hampshire*, first Bred up at *Winchester* School, and afterwards in *New-Colledge* at *Oxford*, of which he was chosen Fellow. He went out in some time after Doctor of the Civil Law, was made Law-Professor and Master of the Rolls by King *Henry VIII.* and acquitting himself in his respective Employments with general Satisfaction and Applause, he was sent Ambassador by that Prince to *Philip*, Duke of *Burgundy*, and at his return Home made Bishop of *London*, and some time after Lord Chancellor, as already noted: He executed that Office several Years after his Translation to the See of *Canterbury*. He had a great Esteem for *Erasmus*, who Dedicated his Edition of *St. Jerom* to him, and gave him a great Character. But the Archbishop finding at length *Wolsey's* growing Fortune, and at the same time his Audacity, in intermeddling with his Office of Chancellor more than he could well bear, he thought fit to resign up the Great Seal into the King's Hands, I mean *Henry VIII.* in the Seventh Year of his Reign, and lived several Years after, Death not coming to a full Claim of his Property in him till the Year 1522.

1502.  
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THE

1516.

THE Lord Chancellor *Warham* having resigned the Seal, it was presently debated in Council who should have it and agreed it should be delivered to *Thomas Wolsey*, Cardinal and Archbishop of *York*; and the same was done on the 7th of *December*, the King giving him with it the Title of Lord Chancellor. This Great-King *Cardinal*, as some have termed him, made such a Figure for a time in the World, that 'tis fit we should be somewhat more particular in our Account of him. He was a Man of a mean Extraction, (but no Butcher's Son, as *Cavendish*, one of his Family, assures us in his Life,) of *Ipswich* in *Sussex*, from which School being sent to *Magdalen-Colledge* in *Oxford*, he became Batchellor of Arts at Fifteen Years of Age, and for that Reason was call'd the Boy-Batchellor, and was preferred to be Tutor to the Marquiss of *Dorset's* Children: The Marquiss dying, he went into *France*, where he became a Servant to Sir *James Nauphaunt*, then Treasurer to the Town of *Calais*, and behaved himself so well, that his Master preferred him to King *Henry VII.* His Diligence and reserved Temper made the King look upon him fit for Business and Trust, both which he discovered in his Ambassie to the Emperor *Maximilian*, to the King's great Satisfaction, who bestowed upon him at his Return the Deanery of *Lincoln*, and not long after made him Chief Almoner: *Henry*, Prince of *Wales*, coming afterwards to the Crown, the Favourite conformed himself so much to his Humour, that that King having taken *Tournay*, he bestowed the Bishoprick upon *Wolsey*, and some time after that of *Lincoln*; nay, that *Wolsey* might not be Inferiour to the

the Archbishop of *Canterbury*, he obtained him to be made a Cardinal, and *Legatus a Latere*, of the Pope, being about the same time advanced to the Archbishoprick of *York*, and the Chancellorship of *England*. In this Great Office being tired with hearing so many Causes himself, which were daily brought before him, he, by the King's Commission, erects divers Under-Courts to hear Complaints, one of which was kept in *White-Hall*, another before the King's Almoner, a Third in the Lord Treasurer's Lodgings near the Star-Chamber, and a Fourth at the Rolls, in the Afternoon, which Courts were much frequented for a time; but the People finding at length that the Sentences pronounced by them bound no Man by Law, they resorted to the Common Law Courts in *Westminster-Hall*.

THE Emperor *Charles V.* in his return from *Spain* landed on the Coast of *Kent*, where he was met by the Cardinal in great State; and the Emperor, knowing how useful he might be to his Service, in regard of the great Share he had in the Affections of the King his Master, gave him no small Instances of his Respect. Tho' this did not last always; and it will not be improper to mention in this Place the Malice of the Cardinal to *Edward Stafford*, Duke of *Buckingham*, who disdaining to hold the Bason to him after the King had washed, he Prosecuted the Duke so far with invented Crimes, that he got him Condemn'd and Beheaded for High-Treason, at the News whereof it was reported that the Emperor should say, *The finest Buck in England was worried to Death by a Butcher's Dog.*

THE

THE Cardinal some time after this was sent over to *Calais*, to mediate a Peace between the Emperor and the *French* King, and carried the Great Seal over with him, to the great Inconveniency of the Subject: For all Writs and Patents were to be Sealed by him there, and no Sheriff could be appointed by reason of his Absence. He made a new League with the Emperor before his Return. *Charles V.* the Year following, viz. 1522, arriving at *Dover*, in his Way to *Spain*, the Cardinal attended him there in very great State.

THE Cardinal having for sometime sat at the Helm of Church and State, had always Two Crosses on Pillars borne before him, wherever he went, by Two of the tallest Priests that were to be found in the Kingdom. For the better Support of the Grandeur the Cardinal lived in, the King, besides some things already mentioned, conferred upon him the Rich Bishoprick of *Winchester*, and the Abbey of *St. Albans*, in Commendam, with which he held in Farm the Bishopricks of *Bath*, *Worcester*, and *Hereford*, enjoyed by Strangers incumbent, not residing in the Kingdom; and in this Capacity he kept Five Hundred Servants, among whom were Nine or Ten Lords, Fifteen Knights, and Forty Esquires: But the Promotions of *England* being too little to satiate his Ambition, he aimed at *Rome*. The Emperor *Charles V.* who paid him Four and Twenty Thousand Crowns a Year, was his Client, and a great many of the Cardinals his Pensioners: But his hopes being dashed by the Election of *Adrian VI.* the Emperor's Master, after Pope *Leo X.* he fell off from the Interest of the *German* Emperor, to that of the *French* King;

King; and to promote his Revenge further that way, he endeavour'd to procure a Divorce between his Master *Henry VIII.* and Queen *Catherine*, the Emperor's Aunt. In this Resolution King *Henry* resolved to Marry Queen *Anne* of *Bullen*, and would not hear mention made of the Dutches Dowager of *Alençon*, whom the Cardinal designed for him, to engage King *Francis* the more in his own Interest. *Wolsey* hereupon wrote to the Pope to oppose his Master's Designs, and to refuse the Dispensations he sought for, which the King being Advertised of by his Ambassadors at *Rome*, he confiscated all the Cardinal's Estate, and outed him of all his Places and Benefices, except the Archbishoprick of *York*, and the Bishoprick of *Winchester*, which he did not long enjoy neither.

THE House of Lords having formed certain Articles against him, sent them down to the House of Commons, the chief of which were these.

FIRST, that without the King's Assent he had procured himself to be a Legate, by reason of which he took away the Right of all Bishops and Spiritual Persons.

SECONDLY, that in all his Letters transmitted to *Rome*, or any foreign Princes, he stil'd himself, *Ego & Rex meus*, I and my King; thereby preferring himself before the King.

THIRDLY, That without the King's Assent he carried the Great Seal of *England* with him into *Flanders*.

FOURTHLY, That having the *French* Pox upon him, he presumed to come and breathe upon the King. [*An Article that would seem very ridiculous in our Days.*]

FIFTHLY, That he had caused the Cardinal's Hat to be put on the King's Coin.

[E]

SIXTHLY,

SIXTHLY, That he would not suffer the King's Clerk of the Market to sit at *St. Albans*.

SEVENTHLY, That he had remitted a vast Treasure to *Rome* for purchasing of his Dignity.

THESE Articles were read in the House, and if not otherwise proved, yet afterwards confessed under the Cardinal's own Hand, which added to the former *Premunire*. The King had before this, even upon the first Intimation he had of the Cardinal's crossing his Divorce at *Rome*, sent the Dukes of *Norfolk* and *Suffolk* to him for the Great Seal, which yet he would not deliver into their Hands till they brought him a Warrant Signed by the King himself for it; after which he retired to *Asher*, a Seat of his near *Hampton Court*. But his Enemies apprehending that if he continued so near the Court, he might at one Time or another get Access into the King's Presence, and be again received into Favour, they resolved to have him removed farther off, and so got the King to command him to retire to *York*, and not to presume to come Southward from thence without his particular Leave. The Cardinal in *Lent* made great Preparations for his Journey, and having a Train of One Hundred and Threescore Persons, by easie Journeys reached to *Peterborough*, and there kept his *Easter*; from thence he moved to *Stamford*: He continued the greatest Part of the Summer at *Cawood-Castle*, within Seven Miles of *York*; he kept open House, and laid out a great deal of Money to repair the Castle: At last being resolved to be Installed at *York*, and having made

made great Preparations accordingly, the Cardinal apply'd to the King, to desire him to send him the Mitre and Pall, which he was wont to wear upon any Great Solemnity. The King was not a little moved with his Presumption, saying to those about him, *What a strange thing is this, that so much Pride should Reign in a Man, that is quite trod under Foot!* But before the Day came of his being Installed he was Arrested in this manner.

SIR *Walter Walsh*, Gentleman of the Privy Chamber, was sent down to the Earl of *Northumberland*, with whom he was joined in Commission to seize the Cardinal, and being both got into the House, Word was brought the Cardinal that the Earl of *Northumberland* was there in the Hall, upon which, said the Cardinal, *I am sorry we have Dined, for I doubt we are not provided to entertain him.* With that he complimented him after such a manner as if he had only come to give him a Visit; but being got into the Room, the Earl laying his Hand upon the Cardinal's Arms, said softly to him, *My Lord, I Arrest you of High Treason.* The Cardinal in some Surprize asked for his Commission, which the other refusing to shew; then said the Cardinal, *I will not submit to the Arrest.* But Sir *Walter Walsh* coming in at that Instant, and kneeling down before the Cardinal, who asked him if he was joined in Commission with the Earl, and the other answering in the Affirmative. Well, said the Cardinal, *I suppose you are a Gentleman of the King's Privy Chamber, and that your Name is Walsh.* I am willing to surrender my self to you, but not to my Lord *Northumberland*, unless I see his Commission, since the meanest Person of

the King's Privy Chamber is qualified by the King's Command, without any other Commission to Arrest the greatest Peer of the Realm: Then the Earl taking the Cardinal's Keys from him, put him into the Custody of some of his Attendants. A few Days after he was conveyed from *Cawood* to *Pomfret*, and from thence to *Sheffield Park*, where he was very well Entertained by the Earl of *Shrewsbury* Eighteen Days together: Here it was that he first sickened; however, he went forward for *Nottingham*, but by the time he came to *Leicester Abbey* he grew so ill that he was ready to fall off from his Mule: Being met at the Gate by the Abbot and whole Convent, he told the Abbot he was come thither to lay his Bones amongst them; and the Lieutenant of the Tower, who was sent to bring him up to *London*, returned without his Prisoner, Death having seized on him there in 1531, and the Sixtieth Year of his Age. The Cardinal's last Words were said to be these, *Had I served the God of Heaven as faithfully as I did my Master on Earth, he had not forsaken me in my Old Age, as the other hath done; adding, That this is the just Reward that I must receive for my Pains and Study, not regarding my Service to God, but only my Respect to the King.*

THUS fell this great Favourite, who was once look'd upon as the Arbiter of *Europe*, whose Yearly Income equalled, if it did not exceed, the Revenues of the Crown. The Cardinal was so exact in the Honourable Circumstances of Address, that he would not abate the the *French Kings* a Step in their Approaches: This Cardinal, whatever Propensity he might otherwise have to the Church of *Rome*, gave the

the first Blow to Religious Houses, by Erecting his Cardinal Colledge, now called *Christ's-Church*, and procuring the Pope's Leave to turn Forty small Monasteries into his Colledge of *Ipswich*; besides these, he left other Monuments of his Fame, *viz. Whitehall* and *Hamp-ton-Court*.

THE Lord *Herbert*, in his Character of this Great Man, says, that his Learning was far from being exact, the same consisting chiefly in the Subtilties of the *Thomists*; that his Stile in *Missives* was rather Copious than Eloquent, yet ever tending to the Point; and concludes, that during the time he was a Favourite Things succeeded better than they had done afterwards, tho' it might be doubted whether the Impressions he gave did not occasion divers Irregularities, which were observed to follow the same. The said Lord *Herbert* further adds, that this Cardinal was remarkable for keeping his Word, and for the Equity of his Decrees in Chancery. Doctor *Corbet* of his own Colledge complains thus of his hard Fate, and the Meanness of his Burying-place.

*And tho' from his own Store Wolley might have
A Palace or a Colledge for his Grave,
Yet here he lyes Interr'd as if that all
Of him to be remembred were his Fall;
Nothing but Earth to Earth, nor pompous
(Weight
Upon him, but a Pebble or a Quoit.
If thou art thus neglected, what shall we
Hope after Death, that were but Shreds of
(Thee.*

HAVING done with this Great Cardinal,
his Successor in the Chancellorship of England
[E 3] was

1530.

was Sir *Thomas Moor*, Kt. to whom the Great Seal was delivered on the 25th of *October*, in the 21st of *Henry VIII's* Reign, he being the first Layman that had the Custody of it, and the King's Conscience, in the Memory of any one living. This Gentleman, the Son of Sir *John Moor*, Knt. sometime one of the Judges of the *King's Bench*, was Born in *Milk-street* within the City of *London*, in the Year 1480: He was Bred in Grammar Learning in *St. Anthony's* School there, and afterwards received into the Family of Cardinal *John Morton*, Archbishop of *Canterbury*, meerly upon Account of the Towardliness of his Person, and the promising Hopes there was of him from the Pregnancy of his Parts. The same Cardinal was pleased to send him soon after to the University of *Oxford*, where *Grocinus* read publickly the *Greek* Tongue, whom *Moor* constantly heard, and became a great Proficient in that Language, and indeed in most other Parts of Learning, by the Care of *Linacer*, his Tutor. From *Oxford* he returned to an Inn of Chancery in *London*, called *New-Inn*, and from thence he removed to *Lincolns-Inn*, where easily Mastering those Studies, he was at length called to the Bar.

HE after grew into great Favour with *Henry VIII.* who indeed highly valued him for his Learning, Wisdom, Experience, and the Extraordinary Gifts of Nature, wherewith he was Endow'd; and that Prince conferr'd these Honours and Employments successively upon him, viz. the Mastership of the Requests, the Honour of Knighthood, the Treasurership of the Exchequer, Chancellor of the Dutchy of *Lancaster*, the Embassage to the Emperor, and the

King

King of *France*; and at length, he being at that very time Speaker of the House of Commons, was made Lord High Chancellor of *England*; in which last and great Office no Body ever carried himself with more Uprightness and Integrity, or with a greater Approbation from the generality of the People, than he.

SIR *Thomas* on the 20th of *May* 1533 thought fit to deliver up the Great Seal to the King, at his Mannor-House, called *York-Place*, near *Westminster*, upon the Foresight of some things which he did not like that were to come to pass. Cardinal *Wolsey* was on his part not so reserved as Sir *Thomas Moor* was free and open to the meanest Persons. When his own Sons complained how little they got under him, I will do Justice, said he, for your sake to any Man, and will leave you a Blessing: No *Supena* was granted but what he saw, no Order but what he perused; neither could the King or the Queen corrupt him; nor the whole Church in Convocation assembled fasten any Mismanagement upon him; in short, he discharged his Trust with so much Integrity and Dexterity, that he did not leave one Cause in the Court of Chancery undecided.

HIS Apothegms were grounded upon Judgment and Experience; he would say,
 1. *The World is undone by looking on Things at a Distance.* 2. *To aim at Honour here is to set a Coat of Arms over a Prison Gate.* 3. *He that is covetous when he is Old, is like a Thief that Steals when he is going to the Gallows.* 4. *The greatest Punishment in the World was to have our Wishes.* 5. *We go to Hell with more Pains than we might go to Heaven with.* 6. *The more of any thing we have but Riches,*
 [E 4] the

the more Good we are. 7. Who would not send his Alms to Heaven? Who would not send his Estate where he is to be Banished? When any were guilty of detracting others at his Table, he said, Let any Man think as he pleaseth, I like this Room well: He wished Three Things to Christendom. 1. An universal Peace. 2. An uniform Religion. And, 3. A Reformation rather of Lives than of Religion.

MR. *Cambden* relates of this Great Man that he was wont to compare the great Number of Women to be chosen for Wives to a Bag full of Snakes, having among them but one Eel, that if a Man put his Hand into that Bag he might chance to light of an Eel, but it was an Hundred to one if he were not stung with a Snake. Being once at *Bruges* in *Flanders*, where an Arrogant Fellow set up a Thesis, that he would Answer any Question that could be proposed to him in any Science whatsoever, Sir *Thomas* sent this Question to him to answer; whether *Averia Capta in withernamia sunt irreplegibilia*, adding, that there was one of the *English* Ambassador's Retinue that would discourse with him about it: Now this Braggadocia not so much as understanding the Terms of our Common Law, knew not what Answer to make to it, and so by his Presumption rendered himself a Laughing-stock to the whole City.

SIR *Thomas Mannors*, Lord *Ross*, being Created Earl of *Rutland* by *Henry VIII.* some time before Sir *Thomas Moor* had the Great Seal delivered to him, and both of them having been very intimate Acquaintance, but now had not, through one Casualty or other, met and conversed together for some time, when at length they hapned to
come

come into Company, my Lord of Rutland was pleased to tell the Chancellor, in a way of Drollery upon his new Preferment, and in Allusion to his Name, *Honores mutant Mores*; to which the other very readily replied, that he thought it was better in *English*, *Honours change Manners*.

SIR Thomas, some time after he had quitted the Chancellorship, was cited to *Lambeth-House* to appear before the Archbishop of *Canterbury*, the Lord Chancellor *Audley*, and Secretary *Cromwell*, to take the Oath of Supremacy and Succession, which being refused by him he was committed to the *Tower*, and after a Year's Imprisonment called to his Arraignment at the *King's-Bench* Bar. His Indictment being read, he pleaded not Guilty, and to the Admiration of the Auditors he so defended himself, that he put the Court to a Stand: But *Rich*, the King's Solicitor, deposing against him that he heard him say, the Parliament could make the King no more Supreme Head of the Church, than they could make a Law that God should not be God, tho' Sir Thomas denied that he had ever said the Words, the Lord Chancellor proceeded to this severe Sentence against him, *That he should be drawn upon a Hurdle to Tyburn, there hanged till half Dead, his Privy Parts cut off, his Belly rip'd open, his Bowels burnt, and his Four Quarters set up over the Four Gates of London, and his Head upon the Bridge*: But this Sentence being afterwards by the King's Pardon changed to beheading only, and Word being brought of it to Sir Thomas, he merrily answered, *God forbid the King should use any more such Mercies to my Posterity or Friends*.

D U.

DURING the Time he remained in Prison, being very importunately urged by a certain Courtier to change his Mind, he told him, That he might be rid of him, *that he had done it* ; which the rash and inconsiderate Courtier hastning to acquaint the King with, he was commanded to know wherein his Mind was changed: Sir Thomas said, *That it was in resolving his Beard should undergo the same Tribulation with himself* ; whereas he intended some Time before to be shaved, that he might appear to the People as he was wont to do. The Day appointed for his Execution being come, he was brought out of the Tower at Nine in the Morning, and ascending the Scaffold, it seemed so weak that it was ready to fall ; whereupon turning briskly to the Lieutenant, *I pray, said he, see me safe up, but as for my coming down let me shift for myself*. Having address'd himself to the People, and desired them to pray for him, he kneeled down, and having ended his Prayers, turned to the Executioner, and with a cheerful Aspect said, *Pluck up thy Spirits, Man, and be not afraid to do thy Office ; my Neck is very short, take heed therefore that you do not strike awry for thy own Reputation's Sake*. Then laying his Head upon the Block he bid him stop till he had put his Beard aside, saying, *That it had never committed any Treason* ; which was looked upon to be too airy and vain at so serious a Time.

THUS died the Famous Sir Thomas Moor in the Year 1535, being a Man of Admirable Attainments in all Sorts of Learning. His *Utopia* is admired all the World over ; his *History of Richard III.* has obtained so much Credit with Historians, that they have placed it

it among their Works without any Alteration. He writ several other Things, as, *De quatuor novissimis, &c.* His Monument is in *Chelsea Church*, where 'tis reported, *Fisher*, Bishop of *Rochester*, lyes with him in the same Grave.

T W O Things more are Memorable and ought to be Recorded concerning this Great Man; one of which is a great Instance of his Integrity, and the small Regard he had to Worldly Treasure; for tho' he had gone through so many great Offices in the Government, yet he never purchased above an Hundred Pounds a Year Land in all his Lifetime, and left but a very small Stock of Money behind him at his Death: The other was a lively Indication of his Filial Piety, that being Lord Chancellor of *England* at the Time that his Father was One of the Judges of the *King's-Bench*, he would always at his going to *Westminster* first go into that Court, and ask his Father's Blessing before he went to sit in the *Chancery*.

T H E Custody of the Great Seal, upon the Resignation of Sir *Thomas Moor*, was committed to Sir *Thomas Audley* on the 20th of *May*, in the 24th Year of *Henry the Eighth's* Reign, who then Knighted the New Keeper; and a New Great Seal being made, and delivered to the said Sir *Thomas Audley* on the 6th of *September* following, he was on the 26th of *January*, in the new Year, made Lord Chancellor of *England*. This *Audley* was Speaker of the House of Commons when the Great Seal was first delivered into his Custody, and during that Session, the Commons being very intent upon reforming divers Abuses in the Church, the

1533.



Bishops

Bishops were much concerned at their Proceedings, and especially *Fisher*, Bishop of *Rochester*, who said in the House of Lords, You see what Bills come daily from the Commons, all tending to the Destruction of the Church. For God's Sake consider what the Realm of Bohemia was; that the Glory of it fell with the Church; the Commons cried nothing now but down with the Church, and all this seemed to come to pass only for Want of Faith. The Commons were nettled at this, and deputed *Audley*, their Speaker, with 30 of their Members, to wait on the King, complaining 'what a Dishonour it was to His Majesty 'and the whole Kingdom, that they who were 'chosen for the Wisest Men of all the Counties 'of *England*, should be charged with Want 'of Faith; and it implied as much as if they 'were Infidels, and no Christians; and therefore they intreated the King, by the Mouth 'of the Speaker, to call the Bishop of *Rochester* to an Account for what he had said. The Bishop excused himself as well as he could, by urging, that what the *Bohemians* did he meant was done for Want of Faith; with which the Commons were not satisfied; and perhaps this had an Influence afterwards upon that Learned Prelate's untimely End.

SIR *Thomas Audley* was Born in the County of *Essex*, Bred up to the Profession of the Law, of which he was made a Serjeant in the 12th Year of King *Henry's* Reign. He was some Time Attorney of the Dutchy of *Lancaster*; and when Sir *Thomas Moor*, his Predecessor, was called to an Account, and Tried for his Life, he was one of those Commissionated to Try him, and pronounced Sentence of Death upon him. He likewise was one of those
Lords

Lords that conducted *Queen Anne Bullen* to the *Tower*.

HE was Chancellor of *England* about Twelve Years together, and had the Honour to be created Baron *Audley* of *Audley*, in *Essex*. His Person was Comely and Majestick, and he was indeed a Man of Consummate Parts, and Uncommon Prudence. His maintaining of the Prerogative in Parliament brought him first into Favour with *Henry VIII.* wherein he upheld himself, by humouring that Prince in every Thing. He enjoined the Preachers of those Times to detect the Folly of Popery, had a large Share in the Abbey Lands, Founded *Magdalen* College, and having by his wary Management weathered King *Henry's* boisterous Humour, came off with great Honour and Applause, and died possess'd of the Great Seal on the 30th of *April* 1544. He was Buried in the Church of *Saffron-Walden*, in *Essex*, leaving a great Estate to his Daughter *Margaret*, afterwards Married to *Thomas*, Duke of *Norfolk*, from whom are lineally descended the present Earl of *Suffolk*, and his Son the Lord *Walden*, lately created Earl of *Bindon*, Deputy-Marshal of *England*, during the Incapacity of *Thomas*, Duke of *Norfolk*.

THE Lord *Audley's* Successor had not the same good Success in preserving the Great Seal so long in his Hands, and did not die Chancellor. Sir *Thomas Wriothesley* had the same committed to him as such in the 36th Year of *Henry VIII.* in whose Favour he had had Share for some Years. He first Knighted him, and for some time made use of this Gentleman as his Secretary, (the Office of Secretary of State being nothing so considerable for Honour

1545.

Honour and Profit in those Days, as we have known it since.) The King being sensible at last of the Innocence of *Arthur Plantagenet*, Viscount *Lisle*, Natural Son to *Edward IV.* who had been long imprisoned in the *Tower*, upon Suspicion of his having had a Design to betray *Calais* to the *French*, while he was the King's Lieutenant there, Sir *Thomas Wriothesley* was the Person sent by King *Henry* to him with a Ring, and a very Gracious Message, which transported the Poor Lord's Spirit to that Excess of Joy that he died that very Night.

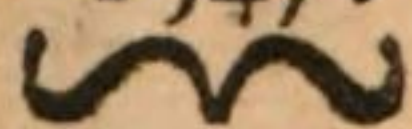
SIR *Thomas*, together with the Lord Privy-Seal, Sir *Thomas Baker*, and the Bishop of *Winchester*, was in the 34th Year of this King's Reign employed by him in a Loan from all such as were valued at Fifty Pounds and upwards in the Subsidy Book: He managed the Matter so dexterously, and succeeded so effectually in *London*, that some of the Principal Citizens were brought to advance a Thousand Marks apiece for the King's Use, for which they had Privy Seal to be repaid in Two Years Time.

FOR this and other good Services Sir *Thomas Wriothesley*, still the King's Secretary, was the Year after advanced to the Dignity of Lord *Wriothesley of Tostfield*; and the Lord *Audley* dying much about the same time, he was advanced to be Lord Chancellor of *England*. *Henry VIII.* by his last Will and Testament made him one of his Sixteen Executors. *Edward VI.* in the very beginning of his Reign was pleased to create him Earl of *Southampton*, and to continue him Lord Chancellor: But soon after that Prince's Coronation, and the issuing out of a General Pardon, the

the Earl being contumacious to the rest of the Lords in Matters of Counsel, he was removed from his Office of being Chancellor, and his Place at the Council-Board; but it seems the Earl came some time after into the Play again, and was one of those who heartily joined with several other Lords to Accuse and Dispossess the Duke of *Somerset* of the Protectorship. Upon the Duke's Submission, and seeming Reconciliation, tho' divested of his Office, a great many of his Opponents were promoted to Honour and Places of Trust; but the Earls of *Arundel* and *Southampton* being not only neglected, but put out of the Council, *Southampton* departed this Life soon after at *Lincoln* Palace in *Holborn*, and was Buried in *St. Andrew's* Church there. To this Earl succeeded Three of his Posterity successively; the last of which dying Lord Treasurer of *England*, and without Issue Male, *Wriothesley*, the present Duke of *Bedford*, is his Grandson by the Lady *Russell*, his Mother, and was so Baptized in Memory of this Noble Family, from whom he is descended.

THE Earl of *Southampton* was succeeded by Sir *William Paulet*, Lord *Paulet* of *St. John Basing*, who had the Custody of the Great Seal given him on the 29th of *July*, in the First Year of the Reign of *Edward VI.* He was the Son of Sir *John Paulet*, descended from an Ancient Family in the County of *Somerset*, and a Person singularly well accomplished with Learning and other Excellent Parts. This Gentlemen in the 29th Year of King *Henry VIII.* was at the Creation of *Edward* Prince of *Wales* made Treasurer of the King's Household, and the next Year, by
Letters

1547.



Letters Patents, bearing Date the 9th of *March*, advanced to the Dignity of a Baron of this Realm by the Title aforementioned.

HE was First Master of the Court of Wards, created Knight of the Garter, and accompanied King *Henry* at the taking of *Bologn*. The same King by his Will constituted him one of his Executors, and appointed him to be of the Council to his Son and Successor Prince *Edward*. He concurred with divers other Lords to put the Duke of *Somerset* out of his Protectorship. He had the Office of Lord Great Master of the Household, when the Great Seal was committed to his Charge, which he held no longer than from the 29th of *June* to the 30th of *November* following. He was in the 3d of *Edward VI.* created Earl of *Wiltshire*, and next Year constituted Lord Treasurer of *England*. He was in the Fifth of the said King's Reign honoured with the Title of Marquis of *Winchester*, and sate as High Steward upon the Trial of the Duke of *Somerset*, being also Lord President of the Council for some Part of that Reign. He became in great Favour with Queen *Mary*, because he was one of the chief of those who proclaimed her in Opposition to the Lady *Jane Grey*, tho' at first he signed a Letter among others, directed to her, disclaiming her Title to the Crown. However, she confirmed his Patent for the Office of Lord Treasurer, as did Queen *Elizabeth* in the First Year of her Reign. This Honourable Person having been Lord Treasurer about 21 Years, died in the 14th of Queen *Elizabeth*, in the 97th Year of his Age, having lived to see 103 of his own Generation. It's reported that being asked how he did to bear up in those dangerous Times, wherein great Alterations were made
both

both in Church and State, he answer'd, *By being a Willow, and not an Oak.* Charles, the present Duke of Bolton, is lineally descended from this Great and Worthy Man.

SIR *Richard Rich* had the Great Seal delivered to him on the 30th of *November*, in the First Year of *Edward VI.* with the Title of Lord Chancellor, he being a little before dignified with the Honour of being a Baron of *England*, by the Stile of Lord *Rich*, by the same Prince. This Gentleman was the Son of a Wealthy Merchant of the City of *London*, and proving an Industrious Student of the Laws in the *Middle-Temple*, was in the 21th Year of *Henry VIII.* made Choice of for the Autumn Reader in that Honourable Society; and not long after having several Eminent Employments, he attained to great Wealth and Honour, being made Attorney-General in *Wales*, and the Marshes thereof, for Life; after which he was the King's Solicitor-General, and Chancellor of the Court of Augmentation, erected in *Henry VIII's* Reign, of whose Will he was One of the Executors. While he was Lord Chancellor of *England* in *Edward VI's* Days, he was One of those Eighteen Lords of the Privy-Council, that the Earl of *Warwick*, afterwards Duke of *Northumberland*, drew to side with him, and to hold Secret Consultations about divesting the Lord Protector *Somerſet* of his High Office: These, together with the Lord Mayor and Aldermen of *London*, meeting at the Earl of *Warwick's* Habitation, being then *Ely-House* in *Holbourn*, the Lord Chancellor *Rich* made a long Speech to them, wherein he set out the Male-Administration of the Lord Protector, and the many Mischiefs

[F]

that

that had thereby befallen the Kingdom; and concluded with a Request, that the City would join with the Lords there present to remove him: And the very same Day Proclamation was made in divers Parts of the City to that Purpose; to which the Lord Chancellor was the first that subscribed his Name. But the Lord Rich foreseeing at length the near Approach of very troublesome Times, he resign'd his great Office in the 5th of *Edward VI.* tho' others say he was turn'd out; and it seems by the Prevalency of some of that Party, with whom he had sided before against the Protector. He died in the 9th of *Queen Elizabeth.* From this Noble Lord were descended the Illustrious Earls of *Warwick* and *Holland*, Titles now united in One Person, the present Earl of *Warwick* and *Holland.*

1551.  ON the 19th of *January*, in the 5th of *Edward VI.* Dr. *Thomas Goodrick*, Lord Bishop of *Ely*, was made Lord High Chancellor of *England*, and continued in that High Office till that King's Death. He was One of those Lords, that pursuant to King *Edward's* Will, espoused the Title of the Lady *Jane Grey* to the Crown, and upon the Lady *Mary's* putting in her Claim, was the second Person that sign'd a Letter to her, to shew the Invalidity of her Pretensions, and to perswade her to submit to Queen *Jane*, her then Sovereign: But several of the Lords soon flagging in their Resolutions, and the Interest of Queen *Mary* prevailing, the Lord Chancellor was quickly put out of his Office; and this indeed is all that I can find memorable concerning him, only that he was the first Clergyman that had the Custody

Custody of the Great Seal since Cardinal *Wolsey*.

S T E P H E N *Gardiner*, Bishop of *Winchester*, was raised to the high Office of Lord Chancellor of *England* on the 21th of *September*, in the First Year of *Queen Mary's* Reign. He was Born at *St. Edmund's-Bury* in *Suffolk*, he being the Natural Son of *Richard Woodville*, Brother to *Elizabeth*, King *Edward IV's* Queen. This was believed to be his true Descent, tho' not commonly known. He was a Man very well versed in the Common and Civil Laws, and tollerably well in Divinity. He also wrote a good *Latin* Stile, and had a thorough Understanding in the *Greek* Language. He appear'd forward in the Time of King *Henry VIII.* for dissolving his Marriage with *Queen Catherine of Spain*, and afterwards subscribed the Divorce. He complied in like manner with the Court in renouncing the Pope's Authority, and wrote a Book, *De vera & falsa Obedientia*, to support the King's Proceedings. 1553.

H A V I N G gone thus far, he, however, in the Reign of King *Edward VI.* opposed the Reformation, for which he was imprisoned, but set at Liberty the Year following; and tho' he retained still the same Sentiments as formerly, yet his outward Compliance was such, that it was no easie Matter to get any Advantage over him at present: But afterwards being no longer able to conceal his Dissatisfaction, which broke forth openly enough, he was deprived of his Bishoprick in 1551, and imprisoned in the *Tower of London*, till *Queen Mary* set him at Liberty.

G A R D I N E R was a Great Minister and Favourite in this *Queen's* Reign, and had

a deep Hand in the Articles of Marriage between her and *Philip II.* King of *Spain*; which Articles were indeed very judiciously drawn up, and tended much to the Advantage of *England*. But then this Bishop and Chancellor, as to the Proceedings against those of the Reformation, was too much inclined to Rigour and Severity; and when the Great Cardinal *Pool* urged, that the People were to be recovered and brought to the *Romish* Church and Communion by moderate and gentle Methods, *Gardiner* declared for the Execution of the Laws against the *Lollards*, and that Terror was a more effectual Expedient than bare Perswasion. On his Death-bed he was much dissatisfied with his former Conduct of Life, and often repeated these Words, *Erravi cum Petro, sed non flevi cum Petro*. He died on the 22d of Oct. 1555, being the Day that Bishop *Ridley* and Bishop *Latimer* were Burnt at *Oxford*.

SOME of our Historians tell us, That *Gardiner* would not go to Dinner that Day till Four a Clock in the Afternoon, tho' the Old Duke of *Norfolk* was to dine with him; and that, because he would first receive the News of those Two Martyrs, *Ridley* and *Latimer's*, being Burnt; but that as soon as Word was brought him of it, he presently said, *Let us go to Dinner*; where sitting at Table, and eating cheerfully, he upon a sudden fell so extremely Ill that they were obliged to take him from the Table, and carry him to Bed, where he continued Fifteen Days without voiding any thing either by Urine or otherwise, which caused his Tongue to swell in his Mouth, and so he died.

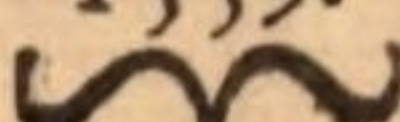
BISHOP

BISHOP *Gardiner* making his Exit in this manner, and the Great Seal being left without a Keeper, the same was on *Wednesday*, the First of *January*, in the Third Year of Queen *Mary's* Reign, committed to the Custody of *Nicholas Heath*, Archbishop of *York*. This Worthy Person was Born in the City of *London*, and Educated first in *Christ-College*, tho' afterwards he was made Fellow of *Clare-Hall* in *Cambridge*. He had the Honour of being Lord Almoner to King *Henry VIII.* who advanced him to be first Bishop of *Rocheſter*, and then of *Worceſter*; and being deprived by King *Edward VI.* upon Account of his Non-compliance with the Reformation on Foot in thoſe Times, he was reſtored to his Biſhoprick by Queen *Mary*, who advanced him to the Archbiſhoprick of *York*, and made him Chancellor as aforeſaid.

THE Lord Chancellor *Heath* was indeed a Wiſe and Learned Man, of deep Policy, and as great Integrity; more devout to purſue the Dictates of his own Conſcience than cruel to proſecute others. In ſhort, he was ſo Moderate, and free from violent Extreameſs, that in the Diſputations between the Papiſts and Proteſtants in the Firſt Year of Queen *Elizabeth* he was choſen One of the Moderators, Sir *Nicholas Bacon* being the other.

BUT the good Man's Moderation was not of that Allay as to allow him to be prevailed upon to take the Oath of Supremacy, which put him once more under the Miſfortune of Deprivation; upon which he retired to his own Seat at *Cobham* in *Surrey*, where he ſpent his Old Age in a Studious and Religious Manner, happily free from any Faction or Revenge:

Therefore he found himself rather eased than deposed, saith my Author; and like another *Abiathar* sent home by *Solomon* to his own Field, he found in his Retirement the Fruits of his Moderation abounded in all Necessaries, and received frequent Visits from the Queen herself, who was satisfied that he acted from a true Principle of Conscience: He died about the Year 1566.

1559.


UPON the depriving of Archbishop *Heath* of the Office of Chancellor, *Sir Nicholas Bacon*, Knight, and Attorney of the Court of Wards, was made Lord Keeper of the Great Seal of *England* on the 22d of *December*, according to *Cambden's Annals*, but according to the Record at *Westminster*, on the 13th of *January*, in the First Year of Queen *Elizabeth's* Reign.

THIS Gentleman was a Branch of the Ancient Family of the *Bacons* of *Norfolk* and *Suffolk*, but Born at *Chiselhurst*, in the County of *Kent*. He was Educated in *Benner's Colledge* in *Cambridge*, and having applied himself to the Study of the Common Law, he proved not only a good Lawyer, but a Man of great Wisdom and Understanding, and of a deep Reach into all Sorts of Affairs: He had an Admirable Memory to recollect all the Circumstances of any Business before him, and as great Patience to Debate and Consider them; witness his usual Saying, *Let us stay a little and we shall have done the sooner*: In short, he understood the true Interest of *England*, and promoted it to the utmost of his Power.

SIR

SIR *Nicholas*, to secure his own, made Use of the Policy of those Times, *viz.* great Alliances. He and *Cecil* Married Two Sisters, *Walsingham* and *Mildway*, Two more; *Knolls*, *Essex* and *Leicester* were also linked together: However, the Lord Keeper's Caution and Conduct could not so far secure him, but that he encountred a pretty severe Rub in 1565; for the Great Earl of *Leicester*, to Ingratiate himself with the Queen of *Scots*, accused the Lord Keeper *Bacon* for being Privy to the Libel of *Hales*, who affirmed, that the Right of the Crown belonged to the Family of *Sussex*, in case the Queen should die without Issue, for which Sir *Nicholas* was committed to Prison, where continuing for a short time; he was at last discharged, upon the Mediation of Sir *William Cecil*, and a Manifestation of his own Innocence, and restored to his Place of Lord Keeper.

AS for Greatness this Gentleman never affected it, his Motto being *mediocri firma*. Neither was he so much for a large as a good Estate. His House, they told us, at *Gorbamby* in *Hertfordshire*, was Convenient, but not at all Stately, which made Queen *Elizabeth* tell him, when she called there in her Progress, *that it was too little for his Lordship*; to which he made Answer; *No, Madam, but your Highness has made me too big for it.*

SIR *Nicholas* was grown very Corpulent in his Old Age, to which the Queen alluding used to say, *Sir Nicholas's Soul lodges well*: He died in the Year 1579, after he had been Lord Keeper of the Great Seal of *England* about Eighteen Years, tho' by Vertue of an Act of Parliament he always exercised the

Jurisdiction of Lord Chancellor: He left Two Sons behind him, Sir *Nicholas*, the First Baronet of *England*, and Sir *Francis*, of whom more by and by.

1579.

THE Great Seal being thus vacant by the Death of the Lord Keeper *Bacon*, the Queen was pleased to commit it to the Keeping of Sir *Thomas Bromley*, Knight, then her Majesties Solicitor-General, with the Title of Lord Chancellor of *England*: And this was done on the 25th of *April*, in the 21st Year of her happy Reign.

THERE are not many things Memorable concerning this Gentleman's Administration while Chancellor, and therefore we ought to judge of him very favourably and honourably, since, had he been guilty of any Miscarriages or Misdemeanors, there would have been some that had not failed to record them.

HE was while Solicitor-General, one of those deputed by the Queen, after the Beheading of the Duke of *Norfolk*, to attend the Queen of *Scots*, and to expostulate with her, that she had usurped the Title and Arms of the Kingdom of *England*, and had not renounced the same, pursuant to the Treaty at *Edenburg*; that she had endeavoured to Marry the Duke of *Norfolk*, without the Queen's Privy, and several other heinous Matters laid to her Charge.

THE Queen's Life being in Danger from the Plots and Machinations of Papists and Secret Enemies, I find the Chancellor was very forward in promoting an Association for her Majesties Security; and if I am not much mistaken, he was One of the Twenty-four or more of the Queen's Privy Council, and Peers of

of the Realm, that were selected and authorized under the Great Seal of *England*, to make Enquiry after such Persons as should attempt to Invade the Kingdom, or raise Rebellion, or attempt any Evil against the Queen's Person, for or in Behalf of any that pretended a Claim to the Crown of *England*, and that that Person, for, and by whom any such should be attempted, should be altogether incapacitated to inherit the Crown.

THE Queen of *Scots* being brought to her Trial for the Practices laid to her Charge against Queen *Elizabeth*, but standing upon her Innocency, and an Exemption from answering, as being an Absolute Princess, the Lord Chancellor *Bromley* told her at last very plainly, that if she persisted to refuse to answer to such Crimes as should be laid to her Charge, they would proceed against her as tho' she were absent. But the Queen at length agreeing to answer, the Lord Chancellor, who was the first of the Commissioners appointed for her Trial, turning towards her, said, *That the Queen had appointed those Commissioners to hear what she could say in answer to those Crimes laid to her Charge; withal assuring her, that Nothing could please the Queen more than to hear that she had proved herself Innocent.* The Queen of *Scots* being at last found Guilty, the House of Lords unanimously exhibited a Petition to the Queen, and that by the Hands of the Lord Chancellor, for a present Promulgation of the Sentence passed against the Queen of *Scots*; and the Lord Chancellor was sent back again by her Majesty to the Peers to intreat them to, consider further and more maturely, of
so

so weighty an Affair, and to bethink themselves of some proper Remedy whereby the Queen of Scots Life might be spared, and her own at the same time secured. But the Lords persisting in their Request and Advice, the Lord Chancellor declared the same at large to the Queen, urged her in their Names to have the Sentence put in Execution, and she at last gave way to it.

I HAVE nothing more to add concerning this Chancellor, but that he died in the 29th Year of the Reign of Queen *Elizabeth*, after he had had the Custody of the Great Seal for about Eight Years; and that the Person whom the Queen designed for his Successor, I mean *Edward*, Earl of *Rutland*, departed this Life Six Days after. If I am not very much misinformed, *William Bromley*, Esq; Member of Parliament for the Famous University of *Oxford*, who has made so considerable a Figure of late in the House of Commons, and been once in Nomination of being Speaker, is a Lineal Descendant from this Chancellor.

1587.

 SIR *Christopher Hatton*, Knt. was the next Person the Queen was pleased to pitch upon for the Great Seal of *England*, which was delivered to him on the 29th of *April*, in the 29th of her Reign, with the Title of Lord Chancellor: Some were of Opinion this was not so much the Queen's own Choice, as that she was perswaded to it by some that wished Sir *Christopher* ill, that thereby he might be absent from the Court, and in Expectation that such a Sedentary Life for a Corpulent Man, that had been used to Exercise,

ercise, would be a Means to shorten his Life, wherein they were not much mistaken.

T H I S Gentleman was Born at *Holdenby* in *Northamptonshire*, but descended from an Ancient Family in *Cheshire*, deriving its Pedigree from *Nigel*, Baron of *Hatton*, in that Country: He was Bred up to the Law in the Inns of Court, but more like a Gentleman than one that pretended to raise himself by that Profession: He was first taken notice of by the Queen for the Comeliness of his Person, and his Graceful Dancing in a Mask at Court; but more afterwards for his great Abilities. He came first to be one of the Queen's Gentlemen Pensioners, then Gentleman of the Privy-Chamber, and next Captain of the Guard, from which Office he stepped to be Vice-Chamberlain, and one of the Privy Council, and at last Lord Chancellor, with the Addition of the Garter: He was one of those, when Vice-Chamberlain, that was delegated to Try the Queen of Scots for her Conspiracies against Queen *Elizabeth*.

T H I S Gentleman had a large share of Gifts and Natural Endowments; his Features, his Gate, his Carriage, his Parts and Prudence, strove how to set him out: But as his Abilities were much above his Experience, so was this above his Learning, and his Learning above his Education: What he did was so exactly Just and Discreet, and what he spoke so weighty, that he was chosen to keep the Queen's Conscience as her Chancellor, and to express her Sense as Speaker: The Courtiers that envy all the last Capacity, were by his Power necessitated to

to confess their Errors ; and the Serjeants that refused to Plead before him at first could not but own his Abilities : His Place was above his Law, but not above his Parts, which were so very Pregnant and Comprehensive, that he could command other Mens Knowledge to as good Purpose as his own : And whereas 'tis said the Civil Law is sufficient to Dictate Equity, he made use of Sir *Richard Swale*, Doctor of the Civil Law, as a Servant and Friend, whose Advice he followed in all Matters of Moment : His Station was great, his Dispatches were quick and weighty, his Orders many, yet all consistent ; being very seldom reversed in Chancery, and his Advice opposed more seldom in Council : He was so Just, that his Sentence was a Law to the Subject, and so Wise, that his Opinion was an Oracle to the Queen.

H O W E V E R, Queen *Elizabeth*, who never forgave Debts, calling upon him for an old One, and rigorously insisting upon prompt Payment, he was startled at it, because he could not do it at that time, and that Back-stroak went so close to his Heart, that it threw him into a Mortal Disease : The Queen being indeed sorry for what she had done, endeavoured all she could to recover him, and brought him Cordials with her own Hands, but all would not do : And so he died a Batchellor in the Year 1591, and was Buried under a stately Monument, under the Choir of *St. Paul's*.

T H I S Gentleman had adopted Sir *William Newport*, his Sister's Son, to be his Heir, who thereupon changed his Name to Sir *William Hatton* ; but in Default of
Issue

Issue Male by him he settled the greatest Part of his Estate upon his God-son, *Christopher Hatton*, Son and Heir of *John Hatton*, his nearest Kinsman of the Male Line, which *Christopher*, upon the Death of *Sir William Newport*, without Issue Male, did accordingly enjoy it, and was made Knt. of the *Bath* at the Coronation of King *James I.* from whom is descended the present Lord Viscount *Hatton*.

T H E Lord Chancellor *Hatton* having made his Exit in the Manner before declared, her Majesty on the 28th of *May*, in the 34th Year of her Reign, was pleased to commit the Custody of the Great Seal to *Sir John Puckering*, Knt. with the Title of Lord Keeper : This Gentleman being Bred to the Profession of the Law and the Practice of it, but of what Inn of Court I know not, in Process of Time attained to the highest Dignities he might expect from it : He, with some others, were advanced to the Degree of Serjeants at Law in the Year 1580 ; and on the 3d of *July* 1588, he was made the Queen's Serjeant.

1592.

B U T a Year or Two before this last Promotion, as I take it, *viz.* in 1586, this Gentleman had the Honour to be elected Speaker of the House of Commons, and while the Parliament was very intent and pressing with *Queen Elizabeth* to have the Sentence pronounced against the Queen of *Scots* in the Star-Chamber, put in Execution, the Queen made use of the Speaker to the House of Commons, to desire them not to be so forward in a Thing of that Moment ; who having faithfully discharged his Trust, was again employed by them to satisfie

tisfie Her Majesty, that they could not recede from their Request to her ; that the Queen's Life could not be in Safety while the Queen of Scots lived, unless she either repented, and acknowledged her Crimes, were kept in close Custody, or bound by Oath or other Obligations, and give Hostages, or lastly, departed the Kingdom : He told the Queen, *That they had little Hopes of any Repentance from her, who would not so much as acknowledge herself guilty ; that as to some of the other Securities they looked upon them of no manner of Value if the Queen's Life were taken away ; and as for her to Depart the Kingdom, they were in such Case very apprehensive, lest she might very quickly return with a Force to invade it.* The Speaker urged these Matters at large to Her Majesty, and pressed her in their Names to have the Sentence put in Execution, which at length she consented to.

N O W Davison, the Queen's Secretary, having Letters delivered to him from the Queen under her Hand and Seal, to get the Commission made out under the Great Seal of England for the Execution of the Queen of Scots, and the Secretary (tho' not without the Participation of some of the Privy-Council) having used, it seems, more Expedition in the Thing than the Queen intended, he was questioned for it in the Star-Chamber, where Serjeant Puckering and others urged against him the Violation of his Trust, and Neglect of Duty in many Particulars, with divers Aggravations, which ended in the Ruin of the Poor Man, who was not a Courtier enough to manage an Affair of that Nice Importance.

S E R G E A N T Puckering, as Her Majesties Sergeant, was to act the same Part against Philip, Earl of Arundel, in 1588, as he did

did against *Davison*; for that noble Earl, who had been imprisoned for Three Years before, was now tried before the Peers for High Treason, and found guilty, tho' his Life was spared.

IT should have been taken Notice of before, that upon the Death of the Lord-Chancellor *Hatton*, the Great Seal was not immediately delivered to Sir *John Puckering*, but for some Months committed to the Custody of *William*, Lord *Burleigh*, Lord High Treasurer of *England*, and of the Lords *Hunsdon*, *Cobham*, and *Buckhurst*. How this Gentlemen behaved himself during the Four Years he had the Great Seal in his Hands no ways appears upon Record, and therefore it's fit we should judge of him on the most favourable Side. I can meet with nothing of his Family any where, and am as uncertain whether he was ever married, or left any Children behind him: Only I must observe that in *March 1652* there were Commissioners appointed by a special Act of Parliament, to hear and determine an Affair between one Mrs. *Jane Puckering*, and Mr. *Joseph Welch*, about his forcing of her to a pretended Marriage, and carrying her beyond Sea to *Dunkirk*; but what became of it, or whether she was of the Lord-Keeper's Family, I am wholly ignorant.

THE Great Seal upon the Death of Sir *John Puckering* this Year, Her Majesty was pleased to deliver to Sir *Thomas Egerton*, Knt. who by the Assistance of Friends, having had a good Education, betook himself to the Profession of the Law, and in Process of Time became very Famous for his Knowledge in it: Infomuch, that he was at last made the Queen's Solicitor-General on the 28th of
June,

1596.

June, 1581, in the 23d Year of Her Majesties Reign, and as such was as well as his Predecessor, Sir *John Puckering*, very active against *Davison* and the Earl of *Arundel* in the Cases already mentioned.

SIR *Thomas*, who was now knighted, having behaved himself very much to the Queen's Satisfaction, as Her Majesties Sollicitor, for the Space of about 12 Years, she was pleased on the 2d of *June* 1592 to advance him from that Post to be her Attorney-General, and in less than Two Years after, viz. *April* 10th, 1594, advanced him to be Master of the Rolls. His next Preferment, being the highest in the Law, was to be Lord Keeper of the Great Seal of *England*, which was committed to his Custody on the 6th of *May*, in the 38th Year of Her Majesties Reign.

THIS Gentleman behaved himself with singular Prudence and Conduct throughout the Remainder of Queen *Elizabeth's* Reign, and being One of those Lords, who, upon the Commotions made by the Earl of *Essex* in 1601, was sent to *Essex-House* by the Queen to know the Cause of them, they could at first scarce find Admittance, and none of their Attendance were allowed to go in, save that Officer that carried the Seal before the Lord Keeper. Now their Lordships finding a confused Multitude of People in the Court, and the Earls of *Essex*, *Rutland*, and *Southampton*, in the midst of them, the Lord Keeper addressing himself to *Essex*, told him, That the Queen had sent him and the other Lords to know the Cause of that Concourse, promising they should have Justice done them if any Body had injured them; *Essex* with a loud Voice cried out, They laid in wait for his Life, and that

that they were met there to defend themselves. The Lord Keeper thereupon mildly urged him again to explain Part of his Grievances, but the confused Multitude crying out, *Away, let us be gone, they come to betray you; kill them, throw away the Great Seal,* the Earl retired into the House, and the Lords following him, they were there confined by his Orders till his Return from the City; where not succeeding according to his Expectations, the Lord Keeper and the other Counsellors were at last enlarged, and the Matter ended in the unfortunate Earl, and many of his Associates, Ruin.

QUEEN *Elizabeth* dying in 1602, and King *James* succeeding to the Crown of *England*, that Prince was pleased on the 8th of *April*, in the First Year of his Reign in *England*, to appoint the Great Seal of the late Queen *Elizabeth*, then in the Custody of Sir *Thomas Egerton*, Knt. to be the Great Seal of *England* till farther Order: And afterwards, to wit, on the 29th of *June* following, the same Seal being broken, the King delivered to the said Sir *Thomas Egerton* a new Seal, with his own Face, Arms and Titles of Honour, upon it. This done, His Majesty on the 24th of *July* made him Lord Chancellor of *England*, having much about the same time advanced him to the Dignity of a Peer, by the Title of Baron of *Ellesmere*.

MY Lord *Ellesmere* carried himself with much Caution and Prudence in this great Post, and continuing without Interruption in much Favour with his Prince, till the 14th Year of King *James's* Reign, His Majesty was pleased then to confer an Addition of Honour upon him, by creating him Viscount *Brackley*: But

whatever the Matter was, whether upon some Displeasure, or that the Lord Chancellor thro' Sicknefs and Infirmitie was unable to discharge the Duty of his Place, the Great Seal was, not long after, taken from him, and Death in a little time overtook him, after he had enjoy'd that great Office in Two Reigns about 21 Years: This Lord's Son and Heir was in 1617, and the 15th Year of King *James I.* advanced to the Dignity of Earl of *Bridgwater*, whose Descendant now enjoys it.

1616.


THE Great Seal being thus taken from the Lord Chancellor *Egerton*, it was on the 7th of *March*, in the 14th of King *James's* Reign, committed to the Custody of Sir *Francis Bacon*, Knt. with the Title of Lord-Keeper, who on the 4th of *January* following had the Title of Lord Chancellor of *England* given him; he being about the same time created Lord *Verulam*, and afterwards Viscount of *St. Albans*. This Gentleman was a younger Son of Sir *Nicholas Bacon*, Knt. sometime Lord Keeper of the Great Seal, by his Lady *Anne Cock*: With this Advantage of Birth he had a suitable Education, and such Natural Parts as raised him to a greater Esteem in the World by his Knowledge, than he was in his own Country by the Honours and Dignities conferred upon him. He was born at *York-House*, in the *Strand*, in 1560. Queen *Elizabeth* took Delight in his ingenious Discourses, and admired him in his Childhood for his witty Repartees, and was often wont to call him the young Lord-Keeper. He was at Sixteen Years of Age sent to *Trinity-Colledge* in *Cambridge*, where he made such Progress in his Studies, that he soon became the Object of the whole University's Admiration. This

This Gentleman quickly discover'd the Emptiness of *Aristotle's* Natural Philosophy; as being framed for Disputations, and no Ways tending to the Benefit of Human Life; and tho' he always spoke of that Author with Respect and Praise, yet he persisted in that Opinion all his Life-time. After he had run thro' the whole Course of the Liberal Arts, he apply'd himself more particularly to the Study of Politicks, to which his Genius naturally inclined him.

WHEN Sir *Amias Paulet* was sent Ambassador to the Court of *France*, he was sent over along with him into that Kingdom; where he was soon after imployed as Agent between the Two Courts, till his Father's Death called him home to look after his own Private Concerns. Then he grew a great Statesman, and at 30 Years of Age he was chosen the Queen's Advocate. This Gentleman on the 25th of *June*, in the Fifth Year of King *James*, was made Solicitor General, which Office he prudently and faithfully discharged for about Six Years, when the King was pleased on the 27th of *October* 1613, to advance him to be his Attorney General, from which he mounted to have the Custody of the Great Seal of *England*, as aforesaid.

HIS Generous and Affable Disposition procured him the Love and Admiration of all People. He instilled wholesome Precepts of Prudence and Honour into Noblemen, sound Principles of Arts and Sciences to the Learned; noble Maxims of Government to Princes, excellent Rules of Life to the People. His Port, they tell us, was stately, his Speech flowing and grave; his Religion rational and sober; his Spirit publick; his Love tender to his Relations;

lations, and faithful to his Friends. He was liberal to the Hopeful, just to all Men, and civil to his very Enemies. One Fault he had, that he was above the Age he lived in, in his Bounties to such as brought him Presents, and over-indulgent to his Servants, whose Rise proved his Fall. How little he valued Riches manifestly appears, in that when his Servants would take Money from his Closet, he would say, *Ay, poor Men, that is their Portion.* But alas he wanted at last that which he was so careless of, if what some affirm of him be true, that he grew a Burden to *Sir Julius Caesar*, who maintained him, and that the Lord *Brooke* denied him Small Beer. The unhappy Business of this Lord Chancellor's Bribery was had up in Parliament, and he writ upon that Occasion a very charming Letter to the House of Lords, which is in the Appendix. He was committed to the *Tower* upon it, but after some few Days Confinement set at Liberty. In short, he fell by the same Hand that raised him, the then Duke of *Buckingham*.

HE died without Issue at *Highgate* in the Earl of *Arundel's* House on the 9th of *April* 1626, in the 66th Year of his Age, and was buried in *St. Michael's Church*, near *St. Albans*; where *Sir Thomas Mutis*, formerly his Secretary, out of Gratitude to the Memory of his Noble Master, erected a Monument of White Marble for him, with an Epitaph, composed by the Famous and Learned *Sir Henry Wotton*. It was said of this Noble Lord, that as *Socrates* brought Morality to Discourse, so did he Philosophy from Speculation to Experience. *Sir Walter Raleigh* used to say that the Earl of *Salisbury* was a good Orator, but a bad Writer; the Earl of *Northampton* a good Writer,

Writer, but a bad Orator ; but that Sir *Francis Bacon* excelled in both. He left us these following Books, *Historia Regia Henrici VII. De Sapientia veterum. De Bello sacro. De Naturali & Universali Philosophia. Historia ventorum. Historia vitæ & Mortis. De Dignitate & Argumentis Scientiarum. Novum organum Scientiarum.*

SOME Time after the Great Seal was taken from my Lord *Bacon*, it was in *Lent* this Year put into Commission, and committed to the Custody of *Henry Viscount Mandeville*, Lord President of the King's Council, *Lewis*, Duke of *Richmond*, *William*, Earl of *Pembroke*, and *Sir Julius Cesar*, Knt. Master of the Rolls. But it did not long continue in their Possession, for *John Williams*, Doctor in Divinity, and Dean of *Westminster*, (afterwards Bishop of *Lincoln*) had it on the 10th of *July* delivered to him with the Title of Lord Keeper. 1620.

THIS Gentleman was the youngest Son of *Edmund Williams*, of *Aberconway*, in the County of *Carnarvan*, Esq; by *Mary*, Daughter to *Owen Wynn*, Esq;: His Grandfather was *William Williams*, of *Coghwillane*, Esq; a Family of very great Antiquity, they being Princes of *North Wales* in the Reign of King *Stephen*, and had before that Time distinguished themselves with great Bravery against the *Saxons*, the Memory of which is still preserved in their Arms. *John* abovementioned having gone through the Discipline of the Grammar School in his own Country, was in the Year 1598 admitted into *St. John's College* in *Cambridge*, being then in the 16th Year of his Age: And here he was first very remarkable for his Parts, Proficiency, and Industry, having a very particular

[G 3]

cular Happiness in his Constitution all along, so as not to require above Three Hours Sleep.

H E was a considerable Master in the *Greek* and *Hebrew* Languages, well acquainted with the School-men, Fathers, and Ecclesiastical Antiquity; a good Secular Historian, and very profitably spent Part of his Studies in the Civil and Canon Law: After he had taken Orders, he used to form his Sermons out of the *Greek* and *Latin* Fathers; the reading of which he seem'd to prefer before the Modern, for furnishing a System of Divinity. He was of St. *Augustine's* Opinion in the Points of Predestination and Grace, but held his Notions with Candor and Moderation, without censuring others. He was some Time Proctor of the University, and discharged that Office with great Reputation.

I Have been told some Years ago by a near Relation of his, and a Gentleman of Sincerity, but since dead, that he was Rector of a Place I cannot now remember in *Northamptonshire*, and that a Dispute between the Parishioners about a *May-Pole* was the first Occasion of his being known at Court: For the Matter being at last brought to a Hearing before the King and Council, where he was likewise obliged to attend, he deliver'd himself with so much Prudence and Learning before that most Honourable Board, that King *James* took particular Notice of him; and having admitted him several Times into his Conversation, by which he had the good Address to commend himself more and more into his good Opinion, His Majesty recommended him at last to the Care of the Lord Chancellor *Egerton*, which in Time made Way for his arriving to the highest Dignities in the Church
and

and State. What great Things do small and trivial Beginnings oftentimes bring forth!

M R. *Williams* having officiated for some Time as Chaplain in my Lord Chancellor *Egerton's* Family, he commenced Doctor of Divinity not till after his Death, and was made Dean of *Salisbury*. In the Year 1620 he reconciled the Lady *Catherine Mannors* to the Church of *England*, she being a *Roman Catholick* before: And this Lady was soon after married to the Duke of *Buckingham*. From *Salisbury* Dr. *Williams* was preferred to the Deanery of *Westminster*, to which Church he was a considerable Benefactor both in its Buildings, securing its Priviledges, and furnishing out new Endowments, but more particularly in his Library, which he bestowed upon it, and remains there to this Day.

AND now King *James* having a more heightned Opinion than ever of his Abilities and Integrity, was pleased to make him Lord Keeper as aforesaid, which Post he held Four or Five Years, and was never charged with either Weakness or Defect of Qualifications proper for that high Station.

SOON after this he was consecrated Bishop of *Lincoln*, he being made a Privy Counsellor just before the King delivered him the Seal: And now having a great Interest at Court, he perswaded King *James* to prefer Dr. *Laud* to the Bishoprick of *St. Davids*; for which Dr. *Hacket* says in *Williams's* Life, he was afterwards very ill requited. He was one of those Lords that advised the King to recal the Prince of *Wales* out of *Spain*; he disswaded the Duke of *Buckingham* from the Project of alienating the Crown Lands, and from attemp-

ting to take away the Revenue belonging to the Deans and Chapters.

HE stood his Ground at Court all the Reign of King *James*, but afterwards the Duke of *Buckingham* finding him unmanageable to his Humour and Inclinations, pushed at him, and occasioned his losing the Seal: However, he was honourably dismissed, and now retiring to his Mannor at *Bugden*, he was very remarkable for his Hospitality and Charity, careful in inspecting the Proceedings of his Court, disposing of his Preferments with great Impartiality, and examined all his Family in a Catechistical Way in *Lent*.

HIS being dismissed from being Lord Keeper was not the only Discouragement he met with at Court: For the Duke of *Buckingham* continuing his Enmity against him, he fell further into the King's Displeasure, and was ordered not to attend at the Coronation, nor appear in Parliament. This Learned Bishop, upon Dr. *Manwaring's* stretching the King's Prerogative too high in a Sermon, endeavoured to promote the Petition of Right. Notwithstanding he was strictly conformable in his own Practice, he carried himself with Temper and Moderation towards the Puritans, and endeavoured all gentle Methods to win them over to the Church.

ARCHBISHOP *Laud* growing dissatisfied with his Opinion about the standing of the Communion Table, that Affair at last broke out into a formal Controversie, and occasioned *the Coal from the Altar*, which was learnedly answered by Bishop *Williams*, who stood upon the Defensive. He was likewise preparing to answer the *Antidotum Lincolnense*, but was prevented by the Barbarous Seizure of his Books:

Books: For now a Bill was preferred against him in the Star-Chamber for revealing the King's Secrets, Sir *John Lamb* and Doctor *Sibthorp* being the Informers.

H E R E the Bishop made so Noble a Defence for himself, that the Attorney-General *Noy* grew weary of the Cause, and slackned his Prosecution; but that great Lawyer giving Way to Fate, and the Information being managed by the Solicitor *Kilvert* with greater Zeal than fair Play, the Bishop was at last put under a very heavy Fine, and confined Prisoner in the *Tower*. But when the Parliament met in *November 1640*, the Bishop Petitioned the King by the Queen's Mediation for his Enlargement, and that he might have his Writ sent him as a Peer to sit in Parliament: But the Lord Keeper *Finch* and Archbishop *Laud* opposed this Request, and brought the King to refuse it: However, about a Fortnight after, *viz.* on the 16th of *November*, the House of Lords sent the Usher of the Black Rod to demand the Bishop of the Lieutenant of the *Tower*, upon which he was brought to the Parliament House, and took his Place amongst his Brethren.

A N D now the King understanding that he had behaved himself with Courage and Temper under his Misfortunes, and his Enemies finding they were so far from being able to procure him any farther Mortification, that they should find it difficult enough to stand their own Ground, he was pleased to be reconciled to him, and commanded that all Orders filed and kept in any Court or Registry, upon the former Hearings and Informations against him, should be taken off, razed and cancel-

cancelled, that nothing might stand upon Record to his Disadvantage.

WHEN the Earl of *Strafford* came to be Impeached in Parliament, Bishop *Williams* defended the Bishop's Rights to Vote in Cases of Blood, in a very significant Speech. But that noble Lord being at length found guilty by his Peers, and the King not being thoroughly satisfied with the Evidence against him, the House of Lords thought fit to nominate Four Prelates, viz. Doctor *Usher*, Lord Primate of *Ireland*, with the Bishops *Morton*, *Williams* and *Potter*, to wait upon his Majesty, to endeavour to disentangle his Conscience, in that knotty Affair. The Four Reverend Bishops, tho' all of them were desirous to preserve the Earl, had they thought it any ways practicable, stated the Question to the King in these Words: *Whether, as his Majesty referred his own Judgment to his Judges (in whose Person they acted) in Court, of Oyer, King's-Bench, Assize, and in Case of Life and Death, and it lay on them, if an Innocent Man suffered; so why might not his Majesty satisfy his Conscience in the Affair then on Foot: That since competent Judges in Law had awarded, that they found Guilt of Treason in the Earl, that he might suffer that Judgment to stand, tho' in his private Mind he was not satisfied that my Lord of Strafford was Criminal, for that Juggling and Corrupt Dealing, which he suspected in the Proof at the Trial, and let the Blame lye upon them who sat on the Tribunal of Life and Death. The Four Bishops were all for the Affirmative.*

Not long after this Bishop *Williams* was preferred to the Archbishoprick of *York*, having at the same time the Liberty to hold the Deanery

Deanery of *Westminster*, for Three Years, in *Commendum*. About this time Discontents and Distractions ran very high in the Nation, which began to be terribly imbroiled: Among other Instances the Temporal Lords brought in a Bill to turn the Bishops out of the House of Peers, which was seconded by the Tumults and Clamorous Petitions of the City of *London*: Now to oppose and prevent the passing of this Bill, and to maintain the Ancient and Unquestionable Rights of the *English* Hierarchy, the Archbishop, at a Committee of the Lords, undertook the Cause of the Church and of his Brethren, in a long Speech, so very considerable for the Learning and Strength of Argument, contained in it, and made upon so uncommon a Subject, that you will meet with it in the Appendix, with some other valuable Pieces, that could not so properly and conveniently be inserted in these Lives, which we designed to confine within as narrow Compass as well we could.

WHEN the Archbishop made that learned Speech, the ill Humour of the Times began to run high against the Court and the Church too: However, the Strength of the Argument was such, that it laid the Bill asleep for Five Months, it having been spoken in *May* before the King set out for *Scotland*, and the Bill for outing the Bishops not taking Effect till the *November* following; when to give it the finishing Stroak, the Mob flocked about the Parliament House, and indeed grew so insolent, as to cry out for Justice in the King's Palace, committed other Irregularities, and outraged the Bishops as they went into the House. When Things were come to this fiery and disorderly Pass, that the Bishops were forcibly

forcibly kept out by the Tumults, Archbishop *Williams* drew up a Protestation, in the Name of Twelve of the Lords Spiritual, against the Validity of whatever should pass in the House of Lords during their forced Absence. This Protestation addrest to the King and the Temporal Lords was put into the Hands of the Lord Keeper *Littleton*, who was not to read it till his Majesty came into the House: But the Lord Keeper was so unhappy as to produce the Petition before the King was acquainted with it, which (as my Author goes on) made a well-contrived Project break out into a Thunder-clap of Mischief. I am not unsensible that a late and very considerable Historian censures this Protestation as an unseasonable Expedient, and by the Manner he at any Time mentions the Archbishop, it looks as if he had liked it much better from any other Hand than his: However, neither he nor any Body else can urge any thing against the Legality of it. In Reality there was no Objection could be made, either against the Matter or the Form, the Contents thereof being very reasonable, and likewise warrantable, by a President in the Journal of the House of Lords, in the Eleventh of *Richard II.* Numb. 9.

BUT the opposite Party now carrying all before them, the Bishops were sent to the *Tower* for their Protestation, tho' it was not long before they had their Liberty, and in short, the King, at the Instance of his Queen, passed the Bill for excluding the Prelates out of the House of Lords. When the Disorders grew still more unmanageable, the most Reverent Archbishop retired to *Yorkshire*, furnished the

the King's Occasions as well as Opportunities would permit, and was in Danger of being seized at his Castle of *Carwood* by young *Hotbam*, who came in the Night with a Party to take the Archbishop, and as they said, to murder him.

THE Archbishop having notice of the Design some Hours before, made his Escape at Midnight, and travelled to *Aberconway* in *Wales*, where he very strenuously solicited the King's Interest, fortified the Castle of that Place at his own Expence, put the Country into a Posture of Defence, and prevailed so far as to get the Troops raised for the King's Service commanded by such Officers as were most acceptable to that Country.

THE King on his Part being informed of all this, wrote several Letters to the Archbishop, to testify his great Satisfaction with his Conduct, and among others, one dated on the First of *August*, 1643, from *Oxford*, which being highly conducing to clear the Archbishop from some Imputations of Disloyalty, wherewith his Enemies now prosecuted him, the Purport of it was this: That being informed by his Servant *Orlando Bridgman*, not only of the good Encouragement and Assistance the Archbishop had given him in his Service, but also of his own Personal Endeavours to promote it; and that tho' he had had long Experience of his Fidelity, Readiness and Zeal in what concerned them, yet it could not but be most acceptable to his Majesty, that the Archbishop should still give him fresh Occasions to remember it: Then having pray'd him to continue to give all possible Assistance to his said Servant, he proceeded thus: 'Whereas you
are

‘ are now Resident at our Town of *Aberconway*,
 ‘ where there is a Castle, heretofore belonging
 ‘ to the Crown, and now to the Lord *Conway*,
 ‘ which with some Charge is easily made defen-
 ‘ sible, but the Lord *Conway* being imprisoned by
 ‘ some of our Rebellious Subjects, and not able
 ‘ to furnish it as requisite for our Service, and
 ‘ the Defence of those Parts; You having begun
 ‘ at your own Charge to put the same into
 ‘ good Repair, we do heartily desire you to go
 ‘ on in that Work, assuring you that whatever
 ‘ Money you shall lay out upon the Fortification
 ‘ of that Castle, shall be repaid you before the
 ‘ Custody thereof shall be put into any other
 ‘ Hand than your own, or such as you shall re-
 ‘ commend.

THUS you see the Archbishop had the Custody of the Castle of *Conway*, by Vertue of his Majesties Letter under his Signet, being impowered to keep it till his Expences were reimbursed. The King sent for the Archbishop to *Oxford*, in *December* 1644, whither repairing to his Majesty, he, during his Attendance on him there, gave him the true Character of *Cromwell*, told him he knew him, and humbly advised his Majesty to do his utmost, either to Gain or Surprize him; for if he did not take him off one way or other, he would very much endanger his Ruin; which the King, and many others undoubtedly, little thought would come to pass, as it did some Years after.

IN the Year 1645, in the Month of *May*, Sir *John Owen*, who had a Commission from Prince *Rupert*, seized the Archbishop's Castle, and made Prize of his Effects, and those of the adjacent Country laid up therein, for their better Security: The Archbishop being thus forcibly

cibly turned out of the Castle, which he held by the King's Order, sent a Complaint of this severe Usage to *Oxford*, but the Messenger, upon his Return, brought him no Redress.

ABOUT Fifteen Months after this Outrage, when the Battle of *Nasby* was lost, *Chester* surrendered to the Parliament, *Oxford* invested, and in short, the King in no Likelihood to appear any more in the Field, when Things, I say, were brought to this desperate Condition, and that Colonel *Milton*, who commanded for the Parliament, was going to set down before the Castle, the Archbishop, with the rest of the Country, thought it most advisable to make terms with him, promising him their Assistance, upon Condition he would restore them their Effects, which were so unjustly detained by Sir *John Owen*: And thus the Archbishop, with the Assistance of his Relations, was instrumental in forcing the Castle.

THIS Action of the Archbishop, tho' it amounted to no more than the recovering a Place, unwarrantably wrested from him, and surrendering it up to the Enemy, when the keeping of it for the King was absolutely impracticable; yet such has been the Malice of Mankind, that it has been represented very much to the Archbishop's Disadvantage, and strained so high by some, as open Disloyalty, which, says Bishop *Hacket* very justly, upon a due and equitable Consideration of the Circumstances, was much more than the Charge would bear.

AFTER the fatal and barbarous Exit of the King, the Archbishop lived very retiredly, seemed to take no Pleasure in his Life, and was
wont

wont to ride every Night at Midnight to an adjacent Chapel for his Devotions: In short, the sad Confusion of the Times made a considerable Impression upon his Health, which growing worse and worse, brought a Squinancy upon him, which carried him off this Earthly Stage of Mortality on the 25th of *March* in 1650.

HAVING touched upon his Character before, we shall add in this Place, that the Archbishop was a Man of great Learning and Courage, a Person extreamly well qualified for Business, being no less acquainted with Men than Books; and if any thing may be mentioned of him by way of Allay, it must be the Warmth of his Temper, which it may be was the only Failing that belonged to him; but then the Starts of his Passion never settled into Malice and Revenge, for no Body was more disposed to forgive an Injury than himself: There need no more to be repeated concerning the Learning and Abilities of this Archbishop. A Modern Author says, he equalled *Richlieu* in Parts, and exceeded him in Learning; and that if he had had a Master of so much Constancy and Steadiness as the other, he would every whit have made as great a Figure in the World: And perhaps it will not be improper to give one Instance of his Policy while he was Lord Keeper, and the Finery he used to detect a Matter that was very necessary to be known at that time, for the Benefit of Prince *Charles* and the Duke of *Buckingham*.

WHILE the Marriage between the Prince of *Wales* and the *Infanta* of *Spain* was in Agitation, the King of *Spain* sent the Marquis of *Inoiosa* to be his Ambassador in *England*, a Man of true *Spanish* Gravity and Severity, a great Zealot for the *Romish* Superstition, and
the

the most surly and unpleasant Man that ever came to the Lord Keeper about Business: Now the Duke of *Buckingham* proving at last the Instrument in breaking off the Match, and knowing the Marquis's vindictive Nature, would never let him have an Opportunity of a private Audience of the King in the Duke's Absence: The Marquis impatient of any longer Delay, in *April* 1624 contrived an Expedient to put the following Paper into the King's Hands, by ordering *don Carlo de Colonna* to keep the Prince and Duke in earnest Discourse, the Ambassador at the same time winking at the King to put it into his Pocket: Wherein,

1. H E terrified King *James*, that he was not, or could not, be acquainted with the Passages of his own Court, or of the Parliament, since he was kept from all the faithful Servants that would have informed him by the Ministers of the Prince and Duke; and that he was as much a Prisoner as King *John* of *France* in *England*, or *Francis* the First at *Madrid*, and could not be spoke with but in the Presence of such as watched him.

2. T H A T there was a strong and violent Machination on Foot, which had turned the Prince from a most Obedient Son, to a quite contrary Course to his Majesties Intentions.

3. T H A T the Council had begun the Preceding Summer at *Madrid*, but had been lately resolved on in *England*, to restrain his Majesty from the Exercise of the Government of his Dominions; and that the Prince and Duke had designed such Commissioners

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under

under themselves, as would intend great Things, and the Publick Good.

4. T H A T this should be effected by beginning a War, and keeping up some Regular Troops at home, whereby to force his Majesty to yield to any Compliance, he being chiefly brought to Streights for want of Money to pay his Soldiers.

5. T H A T the Prince and Duke's taking Care to keep the Lord Ambassador, and others of his Loyal Subjects, from his Majesty, so as to have no private Conference with him, argued in them a Fear and Distrust of a good Conscience.

6. T H A T the Duke's Emissaries had brought the King into Contempt with the Great Men of the Kingdom, traducing him for being slothful and unactive, for Addition to an inglorious Peace, while the Inheritance of his Daughter and her Children was in the Power of his Enemies: That this appeared by a Letter the Duke had writ into *Holland*, which they had intercepted.

7. T H A T his Majesty's Honour, nay, his Crown and Safety, depended upon the Sudden Dissolution of the Parliament.

8. T H E Y loaded the Duke with several Misdemeanours in *Spain*, and his violent Opposition of the Match.

9. T H A T the Duke had divulged the King's Secrets, and the close Designs between his Majesty and their Master King *Philip*, about the States of *Holland* and their Provinces, and laboured to run his Majesty out of the good Opinion of the *Hollanders*.

10. T H A T the Duke was guilty of corrupt Practices with the Ambassadors of divers Princes.

11. T H A T

11. THAT all Things were carried on in the Parliament with an heady Fury, and that the Duke was the Cause of it, who courted them only that were of turbulent Spirits.

13. THEY directly contradicted themselves in the 13th Article; for having made the Prince privy to dangerous Designs before, they now said, the *Puritans*, of whom the Duke was the Head, wished they would bring it about, that the Succession of the Crown might go to the Prince *Palatine*, and his Children, in Right of the Lady *Elizabeth*.

THEY prayed the King in a Postscript to their Paper to admit *don Francisco Carandolet*, Secretary to the Marquis *Inoiosa*, into his Presence, when the Prince and Duke were in the House of Lords, which was performed by the Earl of *Kelly*, First for *Francisco*, and afterwards for *Padre Maestro*, who told their Minds so spitefully, that it much disquieted his Majesty; who began at last to entertain an ill Opinion of the Duke, and complained to one of them that he had of late noted a Turbulent Spirit in him, and knew not how to allay it; so that in coming to cast up the Sum he doubted it might fall to his Turn to pay the Reckoning.

THE King beginning now to entertain the Prince and Duke with Mystical and Broken Speeches, they were both much nettled at it, and could penetrate no farther into the Reason of this sudden and unexpected Change, than that they learnt the *Spanish* Ambassador's Secretary, and *Maestro* the Jesuit, had been with the King, and understood that some

had vaunted in the Ambassador's House, that they had nettled the Duke, and that a Train would shortly take Fire that would blow up the Parliament.

THE King on the other Hand in this Perplexity of his Affairs taking Coach, and the Prince along with him, at *St. James's Gate*, to go to *Windsor*, found a slight Errand to leave the Duke of *Buckingham* behind; who being terribly struck therewith, with Tears in his Eyes, and humble Prayer, besought his Majesty to let him know what could be laid to his Charge to offend so good and gracious a Master, and vowed by his Saviour's Name he would purge, or confess it. The King would not satisfy him, but breathed out his Disgust, that he was the unhappiest Man alive to be forsaken of them that were dearest to him, which was uttered and received with Tears from his own Eyes, as well as the Prince's and Duke's, and made haste to *Windsor* without his Grace.

THE Duke in this forlorn State retired to *Wallingford-House*, and was in such Confusion and Distraction of Spirit, that when the Lord Keeper, who had Information of all that had hapned, and was more careful of the Duke than he was of himself, came to him, he found him upon his Couch, in that stunned and immoveable Posture that he would neither rise nor speak, tho' the Lord Keeper by several Courteous Questions invited him to it: However, he told him by the Faith of a deep Protestation that he came purposely thither to prevent more Mischiefs, and to bring him out of that Sorrow; into the Light of the King's Favour, that he verily believed God's directing Hand was in it, to stir up his Grace
to

to advance him to those Favours which he possessed to do him Service at that Pinch of Extremity.

T H E N the Lord Keeper desired the Duke to make haste to *Windsor*, and to appear in the King's Presence before Supper was over, to demean himself with all the agreeable Address he could, and not to stir from him Night nor Day, for the Danger was, lest some should take an Opportunity to interpose, and put him upon breaking up the Parliament: That their next Hope was upon the Dissolution of the Parliament, to see his Grace committed to the *Tower*, and then God knew what might follow: He farther pressed him to be secret, quick, and judicious in the Prevention; that it was not convenient to say any more, because the Loss of Time might lose all: The Duke thanking the Lord Keeper, hastned to *Windsor*, and was there as unseparable from the King as his Shadow.

T H E Delicacy of the Keeper's Wit in unriddling this Mystery, came not short of that of *Cicero*, in finding out the bottom of *Cataline's* Conspiracy, and he did it by a Woman too, tho' after a different manner: For *Fulvia* of her own Accord, and in Spite and Emulation of *Sempronia*, detected that of *Cataline*; but the Lord Keeper Bribed one of *Fulvia's* Stamp to get an Insight into this Design, which so much perplex'd the King.

I T looks as if the Prince and Duke had had some Jealousie, lest the *Spanish* Ambassador might infuse somewhat into the Lord Keeper; that should spoil the Narrative the Duke had made of the *Spanish* Match in the Parliament, and therefore the Lord Keeper had given exprefs Orders, that neither the

Spanish Ambassador, nor any of his Retinue or Followers, should come near him, whereby he had been for about a Month's time precluded from any Intelligence from thence: But before this, *Carandolet*, the *Spanish* Secretary, was frequently at my Lord's, and being a *Walloon* by Birth, Archdeacon of *Cambray*, and of a much more free and agreeable Humour than the Ambassador, the Lord Keeper contracted an Intimacy with him, and got out of him what an Humble Servant he was to some of our *English* Ladies of Pleasure. But above all to one in *Mark-Lane*, who managed the Secretary so dexterously, that he could keep no Secret from her she had a mind to know: With her the Lord Keeper Corresponded, and made her large Presents, and by her Means he got the Rough Draught of the Paper the Ambassador had put into the King's Hands. In the mean time the Lord Keeper had Notice there was an *English* Priest that lived in *Drury-Lane*, whom the Secretary loved above any other, even his own Confessor: Now the Commons having drawn a Remonstrance against the Liberty the *Romish* Priests assumed in the Nation, which put them into a great Fright; the Lord Keeper in this time of Consternation sent Captain *Toothbie*, his Pursevant, to seize the Priest, with Orders not to Commit him to Prison, but to Keep him at his own House till farther Direction. The Secretary soon hearing of his Friend's Misfortune, was extremely solicitous for his Enlargement; and knowing no other Way to effect it but by the Interest of my Lord Keeper, from whose Company he was precluded, he sent in this Extremity to his Lordship, to beg of him to

see

see his Face but that Day, tho' he were never to see him more: This was what the Lord Keeper desired, tho' he seem'd unwilling to admit him: However, he said, if the Secretary came about Eleven at Night he would order one of his Servants to let him in at the Back-Door of the Garden. The Secretary upon his Admission told his Lordship, that nothing but a Matter as dear to him as his Life should have forced him to break Rules, to offend him with his Presence: Then bewailing the Misfortune of his Brother Priest in being confined as he was, he most compaffionately implored his Lordship to Compass his Deliverance.

' A N D would you have me, said the
' Lord Keeper, run such a Risk as to set
' a Priest at Liberty, a dead Man by our Law,
' when the Eye of the Parliament is so vigilant
' upon the Breach of Justice, especially in this
' kind, to the Grief of Pious Men, who detest
' those that come hither out of Seminaries a-
' bove all other Malefactors, because they come
' with an Intent to pervert them who have lived
' in the Bosom of our Church.

M Y Lord, (said *Francisco*,) *let not the Dread of this Parliament trouble you, for I can tell you, if you have not heard it, that it is upon Expiration.* This being a fair handle, the Keeper then picked out of him the Heads of the Articles in the Paper the Ambassador had given the King, with all the Reasons, Circumstances, and distorted Proofs and Expositions to confirm them, and about Two in the Morning dismissing the Secretary, ordered the Pursivant to release the Priest, with a Caution that he should that Day or the next cross the Seas.

THE Lord Keeper, who was as happy in his Memory, as in his Wit and Invention, after the Secretary was gone, neither slept, nor stirr'd out of the Room, till he had digested all that the Secretary had told him into Writing, with his Observations on each Particular: And when he had made up a fair Copy, he carried it to the Prince at *St. James's*, who read the Charges, and admired their Virulency, but very much commended the Antiscript of the Keeper, and thereupon caused his Coach to be made ready to go to *Windsor*: But first the Keeper humbly begg'd of his Highness to conceal the Matter for Two Reasons: First, for prying into the King's Counsels, which he would not should be disclosed. Secondly, that when he had found them out he ought not to discover them, tho' to his Highness himself: The Prince having promised all this, and shewing the Duke the Paper privately at *Windsor*, and the Apology in the other Column, the Duke humbly thanked his Highness, that his Case was interwoven with the Prince, and their double Vindication put into one Frame, and intreated his Highness to let him know what *Vitruvius* had compacted such a Piece of Architecture, of so much Vicinity, in so short a time, but could not obtain his Request.

HOWEVER, they immediately desired a private Audience of the King, and presented the Schedule to his Majesty's Consideration, which he read very deliberately, and at several Stops said, *'twas well, 'twas well*: Then commanding the Prince and Duke to draw near, he embraced them both, protesting he was very sorry that he had grieved them with a Matter fo-

mented

mented by those that were no better than Traitors: *And that you may, continued the King, see how little you shall pay me for Reconciliation, I require no more than that you should tell who is your Engineer that struck these Sparks out of the Flint to light the Candle to find the Groat that was lost: The Prince stood Mute, and the Duke vowing he did not know the Author: Well, said the King, I have a good Nostril, and will answer my own Question; my Keeper had the main Finger in it: I dare swear he bolted the Flower, and made it up into a Paste. Sir, said the Prince, I was precluded by my Promise not to reveal it, but I never promised to tell a Lie for him: Your Majesty has hit the Man: And God do him good for it, said the King, I need not tell you both what you owe him for this Service; he has done himself this Justice with me, that I discern his Abilities more and more.*

THIS Adventure, tho' long, could not be omitted for the Honour of so Eminent a Statesman. But to conclude all, this Great Man was unexceptionably Regular and Temperate, as well as very Remarkable for his Justice, Charity, and Munificence.

WHEN the Great Seal was taken from Bishop Williams, the King on the First of November, in the First Year of his Majesty's Reign, was pleased to commit it to the Custody of Sir Thomas Coventry, Knt. with the Title of Lord Keeper. This Gentleman's Father, whose Name was also Thomas Coventry, was a Native of Worcestershire, but descended from John Coventry, a Mercer, and Lord-Mayor of London

1625.

London in the 4th of King *Henry VI.* being a Member of the Honourable Society of the *Inner-Temple*, he became so happy a Proficient in his Studies there, that in the 38th of Queen *Elizabeth* he was chosen Autumn Lecturer, then elected to the Degree of a Sergeant at Law; in the Third Year of King *James* named the King's Sergeant, and soon after constituted One of the Justices of the Court of Common-Pleas. His Son *Thomas* diligently pursuing his Father's Steps in the Study of the Law, was on the 14th of *March*, in the 14th Year of King *James*, made Solicitor-General, and on the 11th of *January*, in the 18th Year of the same King, promoted to be Attorney-General, from which Office he was advanced to the Great Seal, as aforesaid.

K I N G *Charles I.* in the Fourth Year of his Reign was pleased to dignifie him with the Degree of a Baron of this Realm, by the Title of Lord *Coventry*, of *Ailesborough*, in the County of *Worcester*. He kept the Great Seal about 14 Years, and died in his Place in 1639, with a just and fair Character in his Office, that he took no more Fees than what were understood to be the Just and Lawful Perquisites of the Place. Some of his Successors having so far approved of his Conduct, that they proposed to themselves his Example for their Pattern, and closely followed it as the Practice of the best of Times.

M Y Lord *Coventry* was succeeded in his Honour and Estate by his Son and Heir *Thomas*, who Married *Mary*, Daughter to Sir *William Craven*, Knt. Lord Mayor of *London*, in the Year 1611, and departed this Life in 1662, leaving Two Sons, *George* and *Thomas*, which *George*, afterwards Lord *Coventry*, Married
Margaret,

Margaret, Daughter to *John* Earl of *Thanet*; by whom, as I take it, he had *Thomas*, created by the late King *William* III. Earl of *Coventry*, and now enjoys both the Estate and Honour, being a Noble Lord of great Goodness and Merit.

UPON the decease of the Lord *Coventry*, the Great Seal was deliver'd to Sir *John Finch*, Knt. with the Title of Lord Keeper, upon the 23d of *January*, in the 15th Year of King *Charles* I's Reign. This Gentleman was Bred in the Honourable Society of *Grays-Inn* in the Study of the Law, wherein he attained in Time to an uncommon Knowledge, and in the Year 1633, when the Inns of Court had resolved to present the King and Queen with a Mask, this Gentleman was One of those deputed by *Grays-Inn* to be the Manager of that Solemnity, wherein he took no small Pains: And a little while after the Mask was performed, being with others, appointed by the Committee, to attend Their Majesties in the Name of the Four Inns of Court, to return their Humble Thanks to them for their Gracious Acceptance of the Tender of their Service to them therein, this Gentleman was their Spokesman both to the King and Queen upon that Occasion, he being at that time Attorney to her Majesty.

THIS Great Man not long after this, viz. on the 14th of *October*, 1634, was Preferred to be one of the Judges in the Court of *Common Pleas*, and on the 21st of *January*, 1635, Constituted Chief Justice of that Court.

SOON after which Mr. *Hampden* denying the Payment of Ship-Money, the King was

was advised by the Lord Chief Justice Finch, and others, to require the Opinion of the Judges in the Matter. This having been done by stating the Case in a Letter, the Chief Justice, after many Sollicitations, with Promises of Preferment to some, and high Threats against others he found hesitating and doubtful, at length got their Answer to the King's Letter, and their Opinion in these Words. *We are of Opinion, that when the Good and Safety of the Kingdom in general is concerned, and the whole Kingdom in Danger, your Majesty may by Writ under the Great Seal of England, command all your Subjects of this your Kingdom, at their Charge to Provide and Furnish such Number of Ships, with Men, Victuals, and Ammunition, and for such a time as your Majesty shall think fit, for the Defence and Safeguard of the Kingdom from such Peril and Danger: And that by Law your Majesty may compel the Doing thereof, in Case of Refusal or Refractoriness. And we are also of Opinion, that in such a Case your Majesty is the Sole Judge, both of the Dangers, and when, and how, the same is to be prevented and avoided.*

FINCH, and some others of the Judges, having Signed this Answer, 'twas for this, and his other forward Services for the Court, that he was preferred to the Dignity of Lord Keeper, when the Seal became Vacant, as before-mentioned: Now the King having called a Parliament to Meet on the 13th of April 1640, which was abruptly Dissolved on the 5th of May following, and yet having a Mind to continue the Sitting of the Convocation, that were pliable enough to the Court, he granted them a New Commission, for the Conclusion

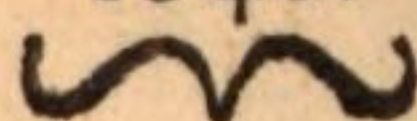
Conclusion of such Matters as were then on Foot before them : Yet by the Opinion of the Lord Keeper and others, signified to the King, the Convocation called by the King's Writ was not to Dissolve but by the King's Writ, notwithstanding the Dissolution of the Parliament ; but it was held most adviseable, and to clear all Objections, to continue them by this New Commission.

THE King's Affairs putting him under an unavoidable Necessity of calling a new Parliament on the 3d of *November* the same Year, the Commons began to call those to an Account who had been Guilty of ill Advice to the King, and the Occasion of the many Grievances the Nation laboured under, and amongst others, prepared to Impeach the Lord Keeper *Finch* of High Treason. The Keeper upon Notice thereof desired Leave of the House to be admitted to speak for himself before them, which was granted, and a Chair being placed for him near the Bar, he entred the House, carrying the Purse himself : When the Speaker told him that his Lordship might sit down, he made a low Obeysance, and laying down the Seal and his Hat in the Chair, himself leaning on the Backside of it, he made a very Eloquent and Ingenious Speech in his own Vindication, & *Captare Benevolentiam*, delivering it with an Excellent Grace and Gesture, as well as Words, which see in the *Appendix*. Many of the Members were very much taken with his Eloquence and Carriage, looking upon it as a sad Sight to see a Person of his Grandeur, Parts, and Favour, appear in such a Posture, before such an Assembly, to Plead for his Life and Fortunes.

BUT

BUT all the Commiseration some might have for him availed him little, for he was the same Day upon these following Articles Voted a Traitor, 1. *For refusing to read the Remonstrance against the Lord Treasurer Weston, in the 4th Year of the King's Reign, when the Parliament desired it.* 2. *For soliciting, perswading, and threatning the Judges to deliver their Opinions for the Levying of Ship-Money.* 3. *For several illegal Actions in Forrest Matters.* 4. *For ill Offices done in making the King dissolve the last Parliament, and causing his Declaration to be put out thereupon.*

THE Lord Keeper being next Day accused before the Lords, he got up earlier than they, gave them the slip, and made his Escape into *Holland*. What became of this Gentleman since I could never learn: It's probable, considering the long Distractions that followed, for about Twenty Years together, he died in Exile.

1640.


THE Lord Keeper *Finch* having in this Manner made his Exit, as to the Management of any Publick Affairs in *England*, his Majesty was pleased to Commit the Great Seal, on the 23d Day of *January*, in the 16th Year of his Reign, to the Custody of Sir *Edward Littleton*, Knt. with the Title of Lord Keeper. This Gentleman was the Eldest Son of Sir *Edward Littleton* of *Munslow* in *Shropshire*; and after having gone through the Grammar Schools, was sent to *Christ-Church* in *Oxford*, where he took his Degree of Bachelor of Arts.

BEING a Member of Parliament in 1628, he had the Management of the high Presumption charged on the Duke of *Buckingham*, about King *James's* Death, upon which Critical Occasion he behaved himself with Universal Applause, between the Jealousie of the People, and the Honour of the Court.

SOME of Sir *Edward's* first Preferments in the Law was to be a Judge in North *Wales*, after which he was Elected Recorder of *London*: The King on the 17th of *October*, 1634, made him Solicitor-General, from which being advanced to be Attorney-General, he was Constituted Chief Justice of the *Common-Pleas* on the 27th of *January*, 1639, and soon after came to be Lord Keeper, as aforesaid: This Gentleman in the beginning of the Parliament, that began *November* the 3d, 1640, was in good Esteem with both Houses; and when the King had passed the Triennial Bill, and that of the Subsidies, Both Houses by the Lord Keeper *Littleton* returned their Thanks to his Majesty, and by their Orders were Bonfires, Bells-ringing, and all Signs of Joy made through the City.

BUT the Breach beginning some time after to be made between the King and Parliament, and his Majesty removing Northward, the Lord Keeper kept with the latter, and made such Compliances in the House of Lords, that the Court grew angry with him, and the King was once upon the Point of sending for the Seal away from him; but having afterwards handsomely excused what he had done, the King altered his Resolution. The Keeper secretly left the Parliament, and retired to his Majesty to *York*, acted as Lord Keeper,

Keeper, and followed his Fortune all along till his Death: Tho' the Parliament finding the great failure of Justice for want of the Great Seal, in 1643 Voted, that if the Lord Keeper *Littleton* did not return with it in Fourteen Days he should lose his Place, and whatsoever should be afterwards Sealed with that Great Seal should be void. The Lord Keeper died on the 27th of *August* 1645, his Majesty having some time before Created him Baron of *Munslow*; but I think he left no Issue to inherit his Estate and Honour.

1645.

U P O N the Death of Sir *Edward Littleton* the King thought fit to commit the Custody of the Great Seal to Sir *Richard Lane*, Knt. This was done on the 30th of *August* 1645, at *Oxford*. This Gentleman, who was Bred up in the Honourable Study of the Law, became in time Attorney to his Royal Highness the Prince of *Wales*, and when the Great Earl of *Strafford* came to be Impeached in Parliament, and that his Answer was positively required to be put in by the 24th of *February*, *Lane* being of the Earl's Council, took abundance of Pains in this great and difficult Work.

N O W the House of Commons having thought fit to Justifie their Charge by Law against the Earl to be Treason; and it being among many other Things insisted on, that in the Statute of 25 *Edward III.* the *Index* of Treason was a *Salvo*, that because all particular Treasons could not then be defined, therefore that what the Parliament should declare to be Treason for the future should be punished as Treason. Sir *Richard Lane* learnedly made

argued upon that Statute that it was a declarative Law, not to be extended by Equity, Consequence, or Construction, but by the express Letter only; and being a Penal Law, admitted of no Inferences: Penalties being to enforce Obedience to known Laws, not too doubtful or conjectural: As to the Salvo, he said, that in the 6th of *Henry VIII.* a Petition was preferred by the Lords to have all Treasons limited by Statute, and in that Parliament, *Chap. 20.* an Act was made, whereby that Salvo in the 25th of *Edward III.* was Repealed, and nothing was Treason but what was literally comprehended in that Statute of the 25th of *Edward III.*

THIS Gentleman following the Fortune of the Royal Cause, was on the 23d of *January* 1643 advanced at *Oxford* to the State and Degree of a Serjeant at Law; and having the Great Seal given him, with the Title of Lord Keeper, as aforesaid, he continued very faithful all along in his Employment: And being one of the Council in *Oxford*, for the better Management of the Garrison and Defence of the City, when in 1646 it was Besieged by the Parliament's Forces, under the Command of *Sir Thomas Fairfax*, he was the first in Order of those on the Royal Side that Signed the Articles for Surrendring that Important Place to the Parliament. How long *Sir Richard Lane* lived after this I cannot learn; he followed the Young King, as I take it, in some Part of his Exile, and kept the Seal to his Death.

THE next Person with whom King *Charles II.* in his Exile intrusted the Great Seal was *Sir Edward Herbert*, Knt. the same
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1653.

being delivered to him at *Paris* about the Year 1653 : This Gentleman was the Son of *Charles Herbert* of *Aston*, in the County of *Montgomery*, Esq; Third Brother to *Richard Herbert*, Father of *Edward*, first Lord *Herbert* of *Cherbury* in *England*, and of *Castle-Island* in *Ireland*, and of *Sir Henry Herbert* of *Ribbesford*, in the County of *Worcester*, Master of the Revels, Father to the late Lord *Herbert* of *Cherbury*.

THIS Gentleman, after having gone through a Course of Studies fuitable to the better qualifying of him for the Honourable Profession of the Law, became a Student in *Lincoln's-Inn*, and was in the Year 1633 one of those deputed by that Society to see that the Mask to be presented by the Inns of Court, before their Majesties, should be done Regularly, and in good Order. *Sir Edward*, in 1639, on the 25th of *January*, was made Solicitor-General to the King, and being a strict Adherer to the Court Party, was promoted on the 29th of *January* 1640 to the Office of Attorney-General. Now the King having some time after this caused Articles of High Treason, and other Misdemeanours, to be exhibited by the Attorney-General against Five Members of the House of Commons, for some Freedom of Speech in Parliament, when things came pretty near a Rupture between his Majesty and the Two Houses, and that the Court was removed to *Royston*, the Attorney-General was Summoned to appear at the Lords Bar to answer concerning those Articles : But the King, by his Letter to the Lord Keeper *Littleton*, took all the Matter upon himself, and excusing his Attorney, concluded, that finding Cause to desist wholly from proceeding

ing against the Persons accused, he had commanded his Attorney to move no farther therein.

U P O N the breaking out of the Civil War Sir *Edward* all along followed the Fate and Fortune of the Court, and had the Custody of the Great Seal, as aforesaid; but he did not keep it long, for it was taken from him in *May* 1654, and lay by till *Christmas* 1657, when Sir *Edward Hyde* had the Custody of it, with the Title of Lord Chancellor.

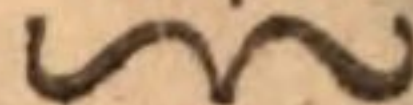
S I R *Edward* having spent the rest of his Days in Exile and Solitude, died at *Roan* in *Normandy* in the Year 1660. This Gentleman was the Father of Colonel *Charles Herbert*, Commander of a Regiment of Foot in the Service of King *William*; he was Slain at the Battle of *Aghrim* in *Ireland* in 1691, as he was valiantly fighting against the *French* and *Irish*: The Colonel was likewise Auditor of *Wales*. His Second Son is the present Earl of *Torington*, who was sometime Master of the Robes to King *James II.* but afterwards betaking himself to the Service of the late King, then Prince of *Orange*, and having the Chief Command of the Fleet in his Expedition to *England* in 1688, his Majesty, in Consideration of his Merit and Fidelity, advanced him to the Dignities of Lord *Herbert* of *Torbay*, in the County of *Devon*, and Earl of *Torington* in the same County, with the Remainder of the Barony to his Brother the Colonel already mentioned: He was likewise Constituted Vice-Admiral of *England*, and Admiral and Commander in Chief of their Majesties Fleet, having been Rear-Admiral in the latter Part of King

Charles II's Reign: But the unhappy Naval Fight at *Beachy-Head*, which fell out in 1690, soon put him out of those Honourable Posts, but never out of the good Opinion of some very Able Sea Commanders, who always justified his Conduct on that Occasion. His youngest Son was *Edward*; he was Educated at *Wikeham* School near *Winchester*, and thence Elected Probationer Fellow of *New-Colledge*; but before he took the Degree of Master of Arts, he went to the *Middle-Temple*, studied the Law, and became a Barrister. Being not able to subsist by his Profession, some People have been strangely imposed upon if he did not for some time ride as a private Man in the Guards at *Dublin*. But be this as it will, and which Way soever his Knowledge in the Law came to be taken notice of, he became in time Attorney-General in *Ireland*, after that Chief Justice of *Chester*, in the Room of Sir *George Jeffreys* made Lord Chief Justice of the *King's-Bench*: He was Knighted by King *Charles II*. on the 19th of *February* 1683, and upon Sir *John Churchill*'s Promotion to be Master of the Rolls, in the Room of Sir *Harbottle Grimston*, deceased, he was made Attorney to the Duke of *York*. On the 16th of *October* 1685 he was sworn Lord Chief Justice of the *King's-Bench*, and one of his Majesty King *James II*. his most Honourable Privy Council: Whereupon Sir *Edward Lutwich*, Serjeant at Law, was made Chief Justice of *Chester*, and about the 22d of *April* following he was removed to the *Common-Pleas*, a Place of more Profit than the other. He wrote in Vindication of himself a short Account of the Authorities in Law, upon which Judgment was given in Sir *Edward Hale*'s his Case, *London* 1689. 2u. This was examined

mined and answered by Mr. *William Atwood*, Barrister at Law, and animadverted upon by Sir *Robert Atkins*, Knt. of the *Bath*, then one of the Judges of the *Common-Pleas*: Sir *Edward Herbert* was one of those, (like his Father before him,) that, I may say, unhappily followed the King his Master beyond Sea, for which, among others, he was excepted out of the Act of Indempnity or Pardon of King *William III.* and Queen *Mary*, dated May 23, 1690. I have taken the more special Notice of this Gentleman, because King *James*, some time after his Abdication, was pleased to make him his Lord Chancellor: But being only notionally so as to *England*, 'twas not proper to bring him in orderly amongst the rest, nor yet totally to omit him. He had a great Hand in drawing several Declarations put out by King *James*, to assert his pretended Right to his Abdicated Dominions. The *Romanists* used him with much less Civility than his Merits deserved, and he died very much neglected.

T H E R E is no need to recapitulate any thing here as to the State of the Great Seal before and at the breaking out of the Civil War, before the beginning of which the Lord Keeper *Littleton* had carried it to his Majesty at *York*, to whom he constantly adhered: Now the Parliament about the Month of *June* this Year, finding the great Failure of Justice for want of a Great Seal, and withal, that the Lord Keeper did not bring it in within Fourteen Days, pursuant to their Vote, they ordered a new one to be made, with the Picture of the House of

Commons, and Members Sitting on the one Side, and the Arms of *England* and *Ireland* on the other. The Custody of this New Great Seal was at first committed to the Two Speakers, to be made use of by the Warrant of the Two Houses: After which it was put into the Hands of Two Lords and Four Commoners, as Commissioners, who had the Authority of Keepers of the Great Seal; the first of which were the Earls of *Manchester* and *Bullingbrook*, and the others Mr. *Brown*, Mr. *St. John*, Mr. *Wild*, and Mr. *Prideaux*. The Commissioners, on the 22d of *October*, sat in the Queen's Court, and sealed above Five Hundred Writs, so desirous were People to have the Course of Justice proceed.

1646.


AFTER the Fatal Battle of *Naseby*, and the Reduction of *Oxford* by the Parliament, on the 20th of *June* this Year General *Fairfax* sent up the Great Seal which was carried away from the Parliament, the Privy-Seal, the Signet-Royal, the Seal of the King's-Bench, the Seal of the *Exchequer*, of the Court of *Wards*, and of the *Admiralty*, with the Sword of State, all which were delivered up to him at *Oxford*: The Seals by Order of Parliament were broken in Pieces: And the Earl of *Bullingbrook*, one of the Commissioners of the Parliament's Great Seal being dead, they voted the Earl of *Salisbury* to be Commissioner in his Place, and on the Eleventh of *August* he was sworn accordingly.

THE Commons in *October* voted the Great Seal should be put into the Hands of Three Commissioners, and that the Members of Both Houses, the late Commissioners, as an Instance of the Par-

Parliament and Nation's Favour, should have a Thousand Pounds bestowed upon them for all their faithful Services: That the Earl of *Salisbury* should have the Thanks of the House, and that the Commoners should have the Privilege to Plead within the Bar, next to the Solicitor-General: Then proceeding to Frame an Ordinance to Constitute Sir *Rowland Wandesworth*, Sir *Thomas Beddingfield*, and Mr. *John Bradshaw*, to be the Commissioners, they presented the same at a Conference to the Lords, who naming Four more to be added to these Three named by the Commons, they thereupon altered their Vote, and ordered an Ordinance to be brought in to Establish the former Six Commissioners Members of Both Houses: But Two or Three Days after the Commons voted them down again, and past and sent an Ordinance to the Lords to make the Two Speakers Commissioners of the Great Seal, till Twenty Days after *Michaelmas* Term, then at Hand.

THIS variable and irresolute Humour of the Commons became to be Matter of much Discourse; and those who were none of their Friends did not neglect the Opportunity to improve it all they could to their Disadvantage; and what the House chiefly excused itself upon, was, that they began to be more apprehensive than formerly, that so great a Trust as the keeping of the Seal was most proper and fit to be in their own Members.

IRREGULAR Constitutions of Government, as this manifestly was, must necessarily produce irregular Actions; and the Procedure already mentioned was not mended by their appointing an Ordinance to be brought

in on the 13th of *January* 164^e, to Constitute Sir *John Bramston*, Sir *Thomas Beddingfield*, and Mr. *Chute*, to be Commissioners of the Great Seal: But the Lords still differing from the Commons in this Matter, the latter appointed the Two Speakers to act as such till Ten Days after *Hillary* Term, and to consider of Persons to ride the next Circuit.

THE Houses having for several Months squabbled in this Manner about the Disposal of the Seal, they agreed at length in *March* to put it into the Hands of the Earl of *Kent*, the Lord *Grey* of *Werk*, Sir *Thomas Widdrington*, and Mr. *Whitlock*. As for this last you shall have his Life at large, so as that there needs be no farther than a bare mention of him in this Part of the Work. The Character given of the Earl of *Kent* in short was this; that he was a very Honest and Just Man, of good Rational Parts and Abilities, and of an Ancient and Great Family, who would be a Countenance to that Affair, and so was held a fit Person for the House of Lords. The Lord *Grey* was a Noble Lord, of great Parts, and sometime acted in these turmoiled Times as Speaker of the House of Lords: That Sir *Thomas Widdrington* was a Gentleman of known Integrity, and great Abilities in his Profession, which was that of the Law; that he was Brothe-rin-Law to Sir *Thomas Fairfax*, the Parliament's General, whose Sister he had Married, and was a very fit Member of the House of Commons, to be intrusted with so weighty an Affair: These Commissioners had a Stipend settled upon them, which was ordered to be paid by the Commissioners of the Customs, and the Commission was revived for

1648.

for the hearing of Causes in Chancery ; and Dr. *Bennet* and Mr. *Elkenhead*, were added to them.

THINGS going on in this Manner till the Murder of the King, and the Abolishing of Monarchy, the Parliament ordered a New Great Seal to be made, which was to be that of the Commonwealth. An Act was appointed to be brought in to make *Widdrington* and *Whitlock* Commissioners of it, with a Blank for others to be added : *Widdrington* excused himself very earnestly from accepting of it, upon the Account of his want of Health, but that being not allowed, he farther excused himself, by reason of some Scruples of Conscience upon him, concerning acting in that high Place, tho' he did acknowledge the Authority, and submitted to it, and had acted by Vertue of it, in Signing a Warrant to adjourn the Term, and bringing in the Great Seal without the Lords Commissioners : The House, after long Debate, allowed his Excuse ; and to manifest the Sense they had of his former Services, and that they took no Notice of his scrupling their Authority, they ordered he should Practice within the Bar, and gave him a Quarter's Sallary more than was due to him.

WHITLOCK being oblig'd to stand, Mr. *John Lisle* was named to be another of the Commissioners, and after a short, but no pressing, Excuse, made by him, and an Ostentatious Acknowledgment of their Supream Authority, which he had done before with a Witness, by being one of the King's Judges, they Voted him and Serjeant *Keeble* to be the other Two ; that they should be Commissioners

oners *quam diu se bene gesserint*; and having also the Title of Lords Commissioners, the Speaker gave them their Oaths, well and truly to execute the Place of Commissioners of the Great Seal, and then he delivered the New Great Seal to them.

T H E R E are little or no Remains upon Record of what these Commissioners did under this New Turn of Government: *Lisle* especially was extreamly forward, according to his Understanding, to do any thing that contributed to the firm Establishment of it, and in 1650 very readily complied with an Order, that all Indictments, Outlawries, and other Acts against any Person, for adhering to the Parliament, remaining upon Record, should be searched out by the Commissioners, taken off the Files, cancelled and burnt, as Things scandalous and void: He was likewise employed as Commissioner in preparing an Act, that all Patents for granting any Title of Honour to any Person, after the carrying away of the true Great Seal to *Oxford*, should be annulled and made void: That none of them likewise should take upon them that Title, nor any presume to give it them.

W H E N *Cromwell* assumed the Supream Power to himself, by discarding the Parliament, Sir *Thomas Widdrington*, whether thinking this Turn of Affairs more agreeable to the Old Regal Government, and so to his own Sentiments, I know not, and *Lisle*, were sworn Commissioners of the Great Seal, *Whitlock*, who was then Ambassador in *Sweden*, being to be the Third of them: But *Widdrington*, as well as this last, after his Return

turn refusing in 1655 to comply with an Ordinance made by the Protector and his Council, for regulating Matters in Chancery, they were outed.

BUT Major *Lisle*, their late Colleague, 1655. who was a Man for all Assays, complied: 'Tis true, the Protector kept the Seal in his own Custody some Days, and dispatched some Affairs under it in his Chamber, where the Officers attended till he had pitch'd upon the Persons to whom he should commit the Custody of it: At length having delivered it to Colonel *Fiennes* and *Lisle*, the first of them had never any Experience in Matters of this Nature, and the other had as little Knowledge, till by accompanying the late Commissioners, he gained some Smatterings in them. However, he now carried things with an high Hand and supercilious Deportment, and so continued to the Death of *Cromwell*.

IT was very odd to see the Management of the first and most difficult Civil Office in the State committed to a Colonel and a Major: But these were the Actions of outercourse and unexampled Times. *Nathaniel Fiennes* was the Second Son of *William Fiennes*, Viscount *Say and Sele*: He was Born at *Broughton* in *Oxfordshire*, Educated in Grammar Learning in *Wikeham* School near *Winchester*, admitted Perpetual Fellow of *New-Colledge* at his first Entry therein, because he was akin to the Founder, Anno 1624, at the Age of Sixteen Years; where continuing about Five Years, he left the University without taking any

any Degree, and went to the Inns of Court, to Travel, or to both.

M. R. *Fiennes* in 1640 was Elected Burgess for *Banbury*, to sit in that Parliament which began at *Westminster* in April the same Year, and again for the same Place, to sit in that which commenced on the 3d of *November* following, wherein he shewed himself very busie and zealous for the Cause then on Foot. He had a Commission given him, first to be a Captain, afterwards a Colonel of a Troop of Horse, under the Command of the Earl of *Essex*, General of the Parliament's Forces. He shewing himself in like manner a Zealot for the Solemn League and Covenant, and professing to be in all Respects a thorough-paced Parliamentarian, he was made Governor of the Garrison of *Bristol*, when first taken in for the Use of the Parliament.

THE Cavaliers (but there must be Grains of Allowance made) tell us, he used many Insolencies and Barbarities in his Government there; and that first he caused the King's Proclamation, forbidding all Seamen and Mariners, and all other Officers of the Navy, to serve under the Earl of *Warwick*, lately made Admiral of the King's Royal Navy by the Parliament, to be Burnt there in the Publick Market-place on the Fourth of *March* 1642, by the Hands of one of the City Serjeants, notwithstanding he connived at the publishing it the Day before. That he caused to be Murdered, under the Notion of Plotters against the Parliament, Two Eminent Citizens of *Bristol*, *Robert Yeomans*, and *George Bowcher*, (notwithstanding the King sent Letters in their behalf to have their Lives saved,) to the Amazement of many,
and

and the great Grief of his Majesty: They likewise exclaimed against his Profanations of Divine Worship, and Service of the Church of *England*, in rending of Surplices, tearing the Common-Prayer-Book, breaking down Organs, exterminating the whole Liturgy out of the Congregations, &c. to which they added, as a Charge against him, his discountenancing and driving away the Orthodox Ministers, and substituting in their Places Schismatics, and the like Persons.

BUT at length the City of *Bristol* being Besieged by the King's Forces, under the Command of Prince *Rupert*, and Surrendered by Colonel *Fiennes*, for the Use of his Majesty, on the 11th of *July* 1643, he was thereupon called in Question by the Parliament, and Articles were drawn up against him by the Restless Proceedings of *William Prynne* and *Clement Walker*. So that the Colonel being Tried for his Life for the same, before a Council of War sitting at *St. Alban's* in *December* the same Year, notwithstanding he had made a large Defence for what he had done, in open Parliament, on the 5th of *August* before, he was sentenced to lose his Head for a Coward, by the Name of *Nathaniel Fiennes*, alias *Fines*, alias *Fenys*, alias *Fines*: But by the Intercession of his Father, and others of his Relations, he was pardoned, and in *Mercurius Britannicus* justified for what he had done in that Matter.

COLONEL *Fiennes*, tho' not trusted after this with any Military Employment, yet became an Active Man in the Parliament, and was made a Commissioner in several Matters; but when he saw the Cause of the Presbyterians decline, especially upon the secluding
of

of Forty of them, whereby he was one by Colonel *Pride*, he struck in with the Independents, took the Engagement, became great with *Cromwell*, and was Member of all, at least most, of the Parliaments held between the Dissolution of the Old Parliament, till the Restoration: Hewaslikewise of *Oliver's* Privy Council. I need not mention again his being Commissioner of the Great Seal: He was made Lord Privy-Seal in *June* 1655, and was a Member and Speaker of the other House, alias House of Lords: At length the Colonel returning upon his Majesties Restoration to *Newton Tony*, near *Salisbury* in *Wiltshire*, where he had an Estate that came to him by his Second Wife, *Frances*, Daughter of *Richard Tudorley*, in *Hampshire*, he continued there to the time of his Death, which hapned on the 16th of *December* 1669, and was buried in the Church of that Place. Soon after there was a Monument put over his Grave to his Memory, also to his Two Daughters, *Frances* and *Elizabeth*, which both died in the Flower of their Age.

T H E R E are several things of this Gentleman extant, more particularly several Speeches in Parliament, as ' A Speech in the House of ' Commons, in answer to the Third Speech of ' *George Lord Digby*, concerning Bishops, delivered on the 9th of *February* 1640. 2. One ' in the House of Commons, touching the ' Liberty of the Subjects, against the late Canons, and the New Oath 1641. 3. Concerning ' the Profer of the City of *London*, by the ' Lord-Mayor, to disburse 60000 *l.* towards suppressing the *Irish* Rebellion 1641. 4. One containing unparallel'd Reasons for abolishing ' Episcopacy, &c. 1642. 5. Speech or Relation made in the House of Commons, concerning ' the

‘ the Surrender of *Bristol*, already mentioned
 ‘ 1643. A Relation of *Edge-Hill* Fight, and
 ‘ that of *Worcester*, where himself was enga-
 ‘ ged in 1642. A Letter to the Earl of *Essex*
 ‘ concerning *Bristol*. A Reply to a Pamphlet,
 ‘ Intituled, *An Answer to Colonel Nathaniel*
 ‘ *Fiennes’s Relation concerning his Surrender*
 ‘ of *Bristol*, 1643.

OTHER Speeches there were of his
 in Parliament, ‘ 1. A Speech before his Highness
 ‘ *Oliver Cromwell*, and Both Houses of Parlia-
 ‘ ment, *January 20, 1657*, being the first Day
 ‘ of their Sitting: Speech to Both Houses of
 ‘ Parliament, *Jan. 27, 1658, London 1659*.
 He was certainly a Gentleman of very good
 Parts, and spoke closely and methodically to
 the Matter in Hand, being not guilty of the
 Digressions which the Humour of those Times
 usually ran into.

AS for *Colonel Fiennes* his Colleague
Mr. John Lisle, he was Bred up in the Pro-
 fession of the Law, tho’ never any great Pro-
 ficient therein, and being chosen a Member
 to serve for *Winchester*, in the Long Parlia-
 ment of *November 1640*, he fell in entirely
 with the Party that most opposed the Court,
 and engaged in the War; was one, and
 in the first Rank, of those who sate as the
 King’s Judges: He likewise sate as President of
 the High Court of Justice, as they were pleased
 then to call it, at the Trial of Duke *Hamilton*,
 the Earl of *Holland*, and the Lord *Capel*;
 as also on the Trials of *Sir Henry Slingsby*,
Dr. Hewet, &c. and running still forwards
 with the Course of the Times till the King’s
 Restoration approached, he and divers others
 of the Regicides fled beyond the Seas, and
 retiring for Refuge to *Geneva*, was there
 shot

shot to Death by some *Irishmen* as he passed along the Streets, he being before excluded from Pardon in *England*, for having had a deep Hand in that Bloody and Execrable Murder of the King. Here it is to be observed, that the Widow of this Gentleman, *Alice Lisle* by Name, and in extream Age, having entertain'd, after the Defeat of the Duke of *Monmouth* in 1685, Mr. *Hicks*, a Nonconformist Minister, who was with the Duke, tho' in no Proclamation, and one Mr. *Richard Nelthorp*, a Stranger to her, in her House, she was Tried at *Winchester* for High-Treason, for comforting and assisting Rebels; with which the Jury were so ill satisfied, that they brought her in thrice not Guilty; but the Threats of the Judge at last prevailing, she was Beheaded: However, the Convention Parliament after King *William* came to the Throne were so dissatisfied in her Case, that they reversed the Attainder.

WHEN *Richard* came to the Protectorship, the same Commissioners, I mean *Fiennes* and *Lisle*, were continued, only *Whitlock* was added, with the Title of Keepers of the Great Seal of *England*: And 'twas supposed *Fiennes* desired it, as finding *Lisle* not so capable in executing the Duty of his Place as he expected. *Richard* being soon Cashier'd, and the Rump Parliament resuming the Supream Power, things were at an uncertain Pass, till they were outed again, and then the Committee of Safety made *Whitlock* alone Keeper of the Great Seal; but the Rump reviving once more, the Speaker *Lenthall* had the Seal delivered to him till the Houses farther Order.

SIR *Thomas Widdrington, Tirrel and Fountain*, were voted to be Commissioners of the Great Seal by the *Rump*, on the 17th of *January*, 1659; and the House of Lords soon after, as well as a New House of Commons, being convened, the Earl of *Manchester* was appointed to be one of the Lord's Commissioners of the Great Seal, in which State they found it on the King's happy Restoration, when there was no farther Occasion for it.

1659.

THERE need no more be said here of the Famous Lord Chancellor *Clarendon*, who being dispossess'd of the Great Seal, the King thought fit on the 13th of *August* to deliver it into the Custody of Sir *Orlando Bridgman*, Knt. with the Title of Lord Keeper: This Gentleman was the Son of Doctor *John Bridgman*, Lord Bishop of *Chester*, which *John* was a Native of the City of *Exeter*, of a Gentleman's Family; his Father *Edward Bridgman* being some time High Sheriff of that City and County. Sir *Orlando*, after those Studies that suited his Younger Years, took to the Profession of the Law, and being a Man not fond of the Times of the Usurpation, was after the Restoration in 1660, on the 13th of *May*, by the King's Special Writ, call'd to be a Serjeant at Law: On the First of *June* he was advanced to be Lord Chief Baron of the *Exchequer*, from whence on the 22d of *October* he was removed to be Lord Chief Justice of the *Common-Pleas*. But when or whether he was ever Master of the Rolls, as *Collier* says, it seems after *Dugdale*, I cannot find, neither can I meet with the time of his Death; tho' I do easily with that when the Great Seal was taken from him, or to speak in a more Courtly Phrase, he resign'd

1667.

it, which was on the 17th of *November* 1672. He had the Reputation of a good Lord Keeper and the Character of a Person of Honour and Integrity, tho' there might be some Faults too in his Family: A Specimen of his Elocution you have in the *Appendix*, being his Speech in Parliament, *October* 10th, 1667, after the Peace with the *Dutch*, which likewise gives some Light to the Transactions of those Times.

A T the same time that the Great Seal was quitted by *Bridgman*, his Majesty delivered it to the Custody of the Right Honourable *Anthony* Earl of *Shaftsbury*, with the Title of Lord Chancellor of *England*. This Gentleman, *Sir Anthony Ashley Cooper*, was the Son of *Sir John Cooper* of *Rockborn*, in the County of *Wilts*, Baronet, and of *Anne*, Daughter and Heirefs of *Sir Anthony Ashley* of *Winburn* St. *Giles*, in the County of *Dorset*, by *Fane* Daughter of *Philip Okeover* of *Okeover* in *Staffordshire*, Esq; who was Born on the 22d of *July*, 1621, and his Grandfather *Sir Anthony Ashley* gave him both his Names at the Font. His Father and Grandfather's Estates upon their Decease, falling to him, amounted to 8000 *l. per Annum*: He applied himself in his Youth with unusual Pleasure to all Sorts of Learning. In 1636 he became Fellow-Commoner of *Exeter* Colledge in *Oxford*, under the Tuition of Doctor *Prideaux*, Rector of the Colledge; where, the Proficiency he made in his Studies gave early Indications of the Greatness he was to arrive to. Having staid Two Years at *Oxford*, and removed to *Lincolns-Inn*, he closely pursued the Study of the Law, till his Relations thought fit to dispose of him in Marriage to *Margaret*, the Lord *Coventry's* Daughter.

HE

HE was chosen Burgeſs for *Tewksbury* in *Glouceſterſhire*, to ſerve in that Parliament which was opened on the 13th of *April*, 1640, which being haſtily diſſolved, undoubtedly by very ill Advice to the King, and a new one called, that met on the 3d of *November* following, and known to this Day, by woeful Experience, by the Name of the *First Long Parliament*, I do not find he was anywhere a Candidate for being a Member of it.

HIS Father dying about the beginning of the Civil War, Sir *Anthony Ashley Cooper* raiſed a Regiment for the King's Service, and was made Governour of *Weymouth* : The Regiment he raiſed to keep the County of *Dorſet* in Peace, he being then High-Sheriff of it. He ſummoned the Inhabitants to meet him at *Dorcheſter*, to engage them in the Royal Cauſe ; but the King ſending Colonel *William Aſhburnham* to Command in *Dorſetſhire*, Sir *Anthony* in diſguſt went over to the Parliament, and in 1644 raiſing Forces in the County of *Dorſet* for their Service, was made Colonel of a Regiment of Horſe, took the Covenant, and with his own Regiment and ſome other Troops he reduced *Wareham* for the Parliament.

IN 1643 he was choſen Sheriff of *Norfolk*, and approved of by the Parliament, and in 1646 was Elected Sheriff of *Wiltſhire*, having a particular Ordinance of Parliament to live out of the County, and notwithstanding the Difficulties of the Times, diſcharging his Office in both Counties to general Satisfaction.

THE Parliament in 1650 having voted, that it ſhould be referred to ſome Perſons, not Members of the Houſe, to conſider what Inconveniencies

niencies there were in the Law, &c. Sir *Anthony* was chief of that Committee, and made a good Progress therein: *Cromwell* breaking in upon the Parliament, and summoning a Convention to meet on the 4th of *July* 1653, Sir *Anthony* was chosen to serve for *Wiltshire*; but they in some time resigning their Power to *Oliver*, Sir *Anthony* by the 25th Article, and 13 Gentlemen more, were appointed to be the New Protector's Council. The Protector at first found Sir *Anthony* very pliable, but the latter making his Court to *Cromwell* for one of his Daughters in Marriage, his first Wife being Dead, *Cromwell* began thereupon to grow very jealous of his Ambition and Politicks, which disgusted him so much, that he afterwards fell in with the Country Party: While he was in the Ministry he concluded a Treaty with the French Ambassador *Bourdeaux*, and in the Year 1654 was chosen both for *Pool* and *Tewksbury*, to serve in the Parliament which met on the 4th of *September*; wherein Sir *Anthony* appeared so boldly against the New Usurpation of the Protector's Council, that when he was returned for the County of *Wilts*, in the Parliament that was to sit on the 17th of *April* 1656, he and above 100 more were refused Certificates and Admission into the House. Upon which Sir *Anthony* and others drew a Remonstrance, shewing the Illegality of such Proceedings; and tho' the House was pliable enough to the Usurper's Designs, yet at last they admitted him, and the other Subscribers of the Remonstrance, to sit with them, upon which a Dissolution presently ensued.

OLIVER dying, *Richard* outed, and the *Rump* invited to return to their Duty, Sir *Anthony* carried their Declaration to
Lenthall

Lenthall their Speaker, and perswaded him to submit to it: The *Rump* named a Council of State, of which *Sir Anthony* was a Member; who perceiving the Instability of that Government, fell in with the Exiled King's Interest, and corresponded with the Royalists. He had engaged in *Sir George Booth's* Design; but that Rising was so soon quelled, that he could not get his Men together in *Dorsetshire*: He had been before accused in Parliament for corresponding with *Sir Edward Hyde*; but he was so warm in his Arguments, and the high Professions he made of his Innocence, that many began to suspect him, as they had good Reason, tho' at last they Voted him Not Guilty.

HE wrote to *Monk* about restoring the Parliament again, into which he was admitted to sit, having been Elected in the Room of a Member lately deceased; about which time he was made Lieutenant of the *Tower*, and one of the Committee to direct and order the Forces in *England, Scotland, and Ireland*: *Fleetwood's* Regiment of Horse was bestowed on him, and he prevailed both on the Officers and Soldiers to declare for *Monk*, and a free Parliament. *Sir Anthony* vigorously opposed the Engagement to be taken by all Persons, either in Military or Civil Trusts against the Royal Family, and perswaded Colonel *Morley*, to whom he had resigned the Government of the *Tower*, to join with him in it, and by their Interest it fell, and this facilitated the King's Restoration.

UPON the Arrival of *Monk* at *London*, and his being sent to prevent some Com-motions in the City, *Sir Anthony* went with some of the Sitting Members to meet the se-

cluded Members privately at the General's Quarters at Alderman *Wale's*, and there agreed their secluded Brethren should be admitted; after which, having resolved to have a Free Parliament to meet on the 25th of *April* 1660, and a Council of State being appointed in the Interval to Govern the Three Kingdoms, Sir *Anthony* was the Chief of them. Sir *Anthony* was indeed for making Conditions with the King, more particularly his fulfilling the Treaty of the *Isle of Wight*, before his Restoration, but the Ballance fell on the other Side.

THE Council of State made Sir *Anthony* Governour of the *Isle of Wight*; and when the King's Restoration was fully resolved on in Parliament, Sir *Anthony* was appointed to be one of the Committee to attend his Majesty in *Holland*; where being unhappily overturned in a Post-Waggon, it bruised his Ribs, and the Wound in time turned to an Ulcer, for which he was forced to be opened in the Year 1672, during his Chancellorship: And this gave Original to the foolish Story of the Tap, with which Sir *Anthony's* Enemies afterwards made themselves Merry, tho' it had no other Foundation than an unhappy Accident, which befel him in his Majesties Service.

HIS Majesty upon his Restoration making Choice of his Privy Council, Sir *Anthony* was named to be one of them, and on the 20th of *April* 1661 he was Created a Baron of this Kingdom by the Title of Lord *Ashley of Wimburn St. Giles*, in order to his Solemn Attendance upon the King at his Majesties Royal Coronation; he having chosen that Title, pursuant to an Article in his Father's Marriage, that if Sir *John Cooper* or his Heirs

Heirs should come to be honoured with the Degree of Peerage they should take that for their Title. He was appointed one of the Commissioners to Try the King's Judges, and shewed himself Tender and Impartial towards those Prisoners that had so lately fate with him in Places of Honour and Trust. The next Marks of Royal Favour conferred upon him was his being made Chancellor, and Under-Treasurer of the *Exchequer*, under his Unkle, the Noble Earl of *Southampton*, where he had, by reason of that Noble Lord's frequent Indispositions, the principal Directions and Management of that Great Office for some Years. He was likewise made Lord Lieutenant of the County of *Dorset*; and after the Lord Treasurer's Death, together with the Duke of *Albemarle*, Sir *Thomas Clifford*, Sir *William Coventry*, and Sir *John Duncomb*, on the 1st of *June*, 1667, constituted one of the Lords Commissioners for executing the Office of Lord High Treasurer of *England*. The Malice of After-times threw wholly upon this Lord the Odium of shutting up the *Exchequer* in 1671, tho' *Clifford*, who was soon made Treasurer upon it, as also *Landerdale*; had at least as deep a Hand in the Project, and more in the Execution of it, than himself.

ON the 28th of *April* 1672 the Lord *Ashley* was Created Baron *Cooper* of *Paulet*, in the County of *Somerset*, and Earl of *Shaftsbury*, in the County of *Dorset*. The King was now entring upon a War with the *Dutch*, by the Contrivance and Advice of Five of his Councillors, known by the Name of the *Cabal*, alluding to the first Letters of their Names, and these were *Clifford*, *Ashley*, *Buck-*

ingham, Arlington, and Lauderdale; and now came the Earl, being Lord Chancellor, to make that Speech against the *Dutch*, (so much talked of in the *Times* that followed, and so contrary to his ensuing Practices, when he fell in with the Country Party,) *Delenda est Carthago*, which you will meet with at large in the *Appendix*.

I T's in vain, and indeed would look like a Piece of Absurdity in me, to pretend to make Excuses for those who promoted the *Dutch* War, so Fatal to the Protestant Interest, and consequently to that of *England* in Particular.

B E this as it will, he was certainly a good Chancellor, his Justice and Equity were never complained of; few, if any, of his Decrees were ever reversed, and his Abilities no Man ever yet called in Question. His Excellent Speech at the taking the Oath of Serjeant *Thurland* to be Baron of the *Exchequer* I should have mentioned before; and there is something in it which shewed how much he had the Tranquility and Rights of the People at Heart, so that you shall meet with it hereafter.

T H E Earl of *Shaftsbury*, as Lord Chancellor, presided only in Two Sessions of Parliament, the last of which beginning on the 27th of *October*, after the King had spoke what he thought proper as to the War still on Foot with the *Dutch*, and his other Affairs the Chancellor enlarged upon it in a learned Speech, which is also inserted in the *Appendix*: And so we proceed to observe, that while his Lordship had the Custody of the Great Seal he lived at *Exeter-House* in the *Strand*, and by his Expence and Carriage supported
the

the first Secular Dignity in the Kingdom in a Manner, for which none of his Predecessors had ever set him an Example, and scarce any of his Successors could or would imitate.

T H E particular Reason why he lost the Seal was never yet publickly known: It was generally given out, that the Duke of *York* perceiving he was no Friend of his and the Popish Party, but quite opposite to that Faction and Interest, perswaded the King to send for him to *Whitehall*, and on the 9th of *November* 1673 demanded the Seal of him, which he resigned with much Cheerfulness: He kept his Temper in his Disgrace, and putting on his Sword after he had delivered up the Seal, returned Home as unconcerned as if he had brought the Mace back along with him. He was visited the same Day by Prince *Rupert*, and most of the Peers and Persons of Quality about the Town, who acknowledged they were obliged to him for the Just Discharge of the Trust that had been reposed in him, and returned him their Thanks.

T H E Papists and their inconsiderate Adherents finding the Earl unarmed by the Loss of his Authority, began to conspire his Ruin, as being the greatest Obstacle that lay in the Way of their Designs; and first they traced him in all his Steps, as Lord Chancellor, examining the Court Rolls, to see if they could meet with any thing upon which to ground an Accusation, tho' to their Grief they were utterly disappointed: For the Paper which they presented to the King's Council containing Matters for a Charge, was by them reported to be Innocent, and that nothing could be inferred from it to his Prejudice.

THERE

THERE was an Oath brought into Parliament in 1675 to this Purpose, *I A. C. do declare, that it is not lawful, upon any Pretence whatsoever, to take up Arms against the King; and I do abhor that traiterous Position of taking up Arms by his Authority against his Person, &c.* The Earl of *Shaftsbury* and his Party as vehemently opposed this Oath, as others pressed it, and the Lords the next Sessions ordered it to be Burnt: The Miscarriage of this Project was laid to the Charge of the Earl, and the Duke of *Buckingham*; and *Shaftsbury's* Enemies were so enraged against him, that they hired one *Needham* to write a Scurrilous Pamphlet to his Prejudice, called, *Advice to the Men of Shaftsbury.*

THERE was a great Difference now on Foot between the Lords and Commons about the Lords Jurisdiction, in Appeals from Chancery, wherein the Earl of *Shaftsbury* was a great Stickler against the Commons; and indeed People growing by this time generally weary of the Length of this Parliament, my Lord *Shaftsbury*, and a great many other Noble Lords, were for addressing the King to Dissolve it: But the Majority of the House carrying it against them, they drew up their Reasons, and entred their Protestation in the Journals of the House, which see in the *Appendix.*

BUT tho' the King was resolved to keep up this House of Commons, yet this Attempt, and the Burning of the Oath, was so much disrelished by the Earl's Opponents, that they procured the Parliament to be Prorogued for Fifteen Months; and when they met in 1676, and that the Duke of *Buckingham* was seconded by the Earl, and other Lords, in his
Argu-

Arguments, that according to the Laws and Constitutions of Parliament that unpresidential Prorogation was null, and consequently the Parliament Dissolved, the Majority carried it against them, so that the Earl, together with *Buckingham*, *Earl Salisbury*, and *Lord Wharton*, were committed for it to the *Tower*.

THE Three last upon their Petitions to the King were soon discharged, but my Lord *Shaftsbury*, for not recanting his Opinion, was kept Thirteen Months in Prison, all his Petitions were rejected; and when he found 'twas in vain to apply to his Majesty, he had Recourse to the *King's-Bench*, whither he was brought by *Habeas Corpus*, on the 27th of *January* 1677, where his Council having argued the Court ought to relieve him, the Earl himself spake with as much Reason and Eloquence as the Justice of his Cause would bear, tho' without Redress: The Earl was remanded to Prison, and continued there till the Parliament sate; (who were now upon a second Prorogation,) tho' the Court of *King's-Bench* afterwards, with very manifest Partiality, Bailed the Popish Lords, who were Impeached by the Commons in Parliament assembled of no less than Treason, and other high Crimes.

THE Parliament being at length set, the Earl on the 22d of *February* 1678 was brought to the Bar of the House of Peers, where he offered to acknowledge his asserting the Dissolution of the Parliament to be an unadvised Action, and to beg their Lordships Pardon for his Offence in bringing a *Habeas Corpus*; whereupon a Declaration was prepared by
their

their Lordships, much to the same Effect with what the Earl offered at first, which the Lord Chancellor *Finch* read to him, and the Earl kneeling, repeated the same at the Bar, and then withdrew, upon which they address'd the King to discharge him from his Confinement, which was done accordingly.

HIS Imprisonment had very much impaired his Health, and his Physicians declared that his Life was in Danger; and tho' he recovered his Liberty, yet he never was afterwards of so sound and healthy Constitution. He had not been long out of the *Tower* before he was attacked by a Second Advice to the Men of *Shaftsbury*; and the *Romanists* were still the more enraged at him for his Zeal in promoting the *Test Act*; but the Discovery of the Popish Plot put them at present to their Trumps, and cut out Work enough for them to defend themselves: And you may be sure that no Body was as forward as the Earl to detect that Hellish Design.

THE Parliament that had so long chimed in with the Court, began now to open their Eyes, and shut their Purse; and entering too far into a Dispute about the Danger of a Popish Successor, they were Dissolved, after they had sat almost Eighteen Years: But another being Convened on the 6th of *March* 1676 at *Westminster*, the Earl of *Shaftsbury* at the opening of the Session made a most Noble Speech, privately Printed, under the Title of *A Speech of a Noble Peer*. This Speech was afterwards on the Turn of the Times, in the Earl's Disfavour, publicly Burnt; but there are so many happy Turns, such bold Truths, and subtilty of Expressions

sions throughout the whole, that 'tis pity to give it by Peace-meals, and therefore it will be found entire in the *Appendix*.

H O W displeasing soever this was to the Stomach of the Court, the King for the present was under some Necessity of sending away his Brother, and constituted a New Privy-Council, of which the Earl of *Shaftsbury* was made President.

T H E Earl was once more in one of the highest Posts in the Government; yet when the Bill of *Exclusion* came in Agitation, tho' he knew it was quite contrary to the Inclinations of the Secret Ministry, he declared himself for it, and continued the Prosecution of the Popish Plot with great Earnestness. The Papists, to impose upon his Zeal, wrote to their Friends in *Ireland*, to send them over some Fellows that would swear to a Plot which they would have ready made to their Hands in *England*: The Two *Macnamarras*, and one *Hethering*, being imployed for this Purpose, they were ordered to apply themselves to the Earl, with the discovering of a pretended Plot in *Ireland*, which Kingdom the *French* were to Invade, and to join with the Catholics to destroy the Protestants. The Earl too easily admitted those *Irishmen* to bring him their Informations, which being found to be false, the Papists thought it would help to confound the Conspiracy in *England*, or at least that their *Irish* Evidence, by their Intimacy in my Lord's Family, might gain Credit, if they should have any thing to swear against him, for which they wanted only an Opportunity.

T H E Parliament being now Dissolved, and another called to meet on the 17th of *October*
1680,

1680, the several Prorogations that ensued put the Nation upon petitioning for the Sitting of it; and this the Earl of *Shaftsbury* zealously promoted, as he did also, and subscribed, among others, a Bill of Indictment against the Duke of *York*, for not coming to Church; which was brought before the Grand Jury of *Middlesex*, with the Reasons for his being Indicted. This exasperated the Papists to that degree, that they took *Dangerfield* out of *Newgate*, and promised him Five Hundred Pounds to undertake to kill the Earl of *Shaftsbury*.

DANGERFIELD failing again and again of an Opportunity to dispatch the Earl, their next Contrivance was to fix a Plot upon him and others of the Nobility and Gentry that were most zealous against Popery: But this being detected to their Confusion, the Faction prevailed on *de Freitas*, the *Portuguese* Ambassador, to perswade his Interpreter *de Feria* to kill the Earl, by throwing a Granado into his Coach, which *de Feria* deposed at the Bar of the House of Commons: The next thing was to corrupt Colonel *Blood* to write a Treasonable Letter to *Oats*, that might prove the Earl of *Shaftsbury* and some others to be the Contrivers of the Popish Plot: The Letter was to have been seized, and produced an Evidence against the Earl and the rest but *Oats*; his Caution in sending it to the Secretary of State spoilt that Project. Then they employed one *Lewis* to the Earl, to desire him to give Directions under his Hand how *Oats* should manage himself in reference to the Plot, which the Earl absolutely deny'd. Young *Tongue* remained many Years in Prison for
endea-

endeavouring to make his Lordship the Inventor of the Popish Plot.

ONE of the oddest Deliverances his Lordship had was, that a certain Gentleman who had been a Colonel of Horse in the Army of King *Charles*, and was then in mean Circumstances in the *French* King's Dominions, wrote to the Earl a Remedy against the Gout. His Enemies opened the Letter, and added to it as a Postscript that he had Forty Thousand Men ready to oppose the Duke of *York*'s Interest: The Letter with this addition was carried to the *French* Ministers of State, in hopes they would send a Copy of it to *England*; but by a strange Accident it was returned to the Gentleman that wrote it to the Earl, and the intended Mischief thereby prevented.

THE Protestant Party were all this while very uneasie that the Parliament did not sit; and the Earl of *Shaftsbury*, together with many other Noble Lords, Petitioned for it. It was somewhat unhappy to his Lordship that he had some difference at this time with the Lord *Hallifax*, which weakned his Interest, the other going over to the Secret Ministry's Side.

THE Earl was one of those that assisted at the Trial of the Lord Viscount *Stafford*, and Petitioned the King that the New Parliament shou'd sit at *Westminster*, and not at *Oxford*, tho' in vain: Here the Commons finding *Fitzharris* cou'd, and was willing to detect the Contrivances of the *Popish* Faction, in order to Ruin the most Zealous Protestant Lords, they Impeached him, that he might not be Tried by the Judges: The Lords throwing out the Impeachment, *Shaftsbury* and several others entered their Protestations against it, asserting the Commons

Commons Right to impeach any Subject. The *Oxford* Parliament being abruptly dissolved, soon after the Earl's Return to *London* one *Bryan Hans* came to him, and assured him, he could give great Light into the Matter of *Sir Edmond-Bury Godfrey's* Murder, if he might have his Pardon; the Earl endeavour'd to obtain one for him to no Purpose. *Hans* being taken and brought before the Council, accused the Earl, with other Noblemen and Gentlemen, of attempting to suborn him to do it, and upon the Information of this *Irish* Evidence his Lordship was taken up at his House in *Aldersgate-street*, and on the 2d of *July* 1681 committed to the *Tower* for High Treason: He presented several Petitions after his Commitment for a Trial or Bail, according to the *Habeas Corpus* Act, but could not be heard till the 24th of *November*, and then a Bill of High Treason was preferred against him to the Grand Jury at the *Sessions-House* in the *Old Baily*. Several of the Judges were said to be present on purpose to awe the Jury, who were many of them Members of Parliament, and most of them Magistrates of the City: The Scoundrel Witnesses were the *Macnamarras*, and one *Booth*, who swore High Treason against the Earl, and that Captain *Wilkinson* was to have been a Captain of a Troop of Horse in the Army which the Lord *Shaftsbury* was to raise: Mr. *Blaithwaite* and Mr. *Gynne* swore that the Papers produced in Court were taken in the Earl's House, and Secretary *Jenkins* deposed, that one of them, which was the Project of an Association, was the same Paper, unaltered, that Mr. *Blaithwait* gave him; which, if true, was no Matter of Evidence of Treason, because not proved to be Presented or Composed

fed by the Earl: *Turbevil* swore that the Earl had said, about *February*, there was little good to be done to the King as long as his Guards were about him, and singly; that the Earl should say, *If the King shou'd offer any Violence to the Parliament at Oxford, he wou'd meet with greater Opposition, &c.* and *Haynes* that he said, *that the Duke of Buckingham had as much a Right to the Crown as any Steward in England.*

T H E Jury having considered *Wilkinson's* Deposition before the King, by which they found no Temptations were Powerful enough to make the honest Gentleman swear falsely against the Earl, and the Infamous Character of *Booth*, the main Evidence, return'd *Ignoramus* upon the Bill; and the People thereupon being generally very well satisfied, the Spight of the Papists was grounded on the Earl of *Shaftsbury's* apparent Zeal for their Religion and Liberties, they publicly rejoiced for his Deliverance, and Bonfires were made in the City and Country: *Graham*, who marshalled the *Irish* Evidence, had much ado to escape the Fury of the enraged Multitude.

T H E Earl being cleared by the Grand Jury, moved to be discharged, but cou'd not obtain it till the end of the next Term: When he was free, he Arrested *Graham* and his Accusers, as his Declaration set forth, for conspiring to indict him of High-Treason; for which they solicited *Wilkinson* to give false Evidences against the said Earl, &c. but the Defendants moving that they might not be Tried in *London*, because the Sheriffs, *Mr. Pilkington* and *Mr. Shute*, were the Earl of *Shaftsbury's* Friends, so partial were the Times now to the other
[L] side,

side, that the Judges allowed the Plea, and the Earl would not try the Cause elsewhere.

AFTER the Earl's Prosecution, a *Quo Warranto* was brought against the City, and Things growing every Day worse and worse on the Whigs Sides, the Earl thought it high time for him to withdraw: And considering that he could be no where so safe as in *Holland*, that very Country which some Years before he would have utterly ruined. Such are the unaccountable Turns we meet with in the World, he arrived there in the beginning of *December* 1682, after a very Tempestuous Voyage. Upon his Arrival at *Amsterdam*, he was visited by the Deputies of the States and other Persons of Quality: There he hired a fine House at the Rent of One Hundred and Fifty Pounds a Year, and was preparing to live suitable to his Estate and Character, when his old Distemper, the Gout, seiz'd him, which flying up into his Stomack, soon became Mortal, and he expired on the 22d of *January* in the Arms of his Chaplain, in the Sixty Second Year of his Age. His Body was Embalmed and Carried over into *England*, the Ship was hung with Mourning, and the Corps being landed at *Pool*, in *Dorsetshire*, the Gentlemen of that Country went to meet it uninvited, and accompanied it to *Wimborn St. Giles's*, his Ancient Seat, where he was Interred with his Worthy Ancestors. The Account already given including very fully the Character of this Noble Person, we shall only add here, what King *Charles II.* said of him upon his Resolution of a very Knotty and Difficult Affair that was put to him in the time he had the Great Seal in his Custody, That he had a Chancellor that had more Law than all his Judges, and more Divinity than all his Bishops.

shops. By his Second Wife, the Lady *Frances*, Daughter to the Earl of *Exeter*; he left one Son, *Anthony*, late Earl of *Shaftsbury*, who by the Lady *Dorothy*, Daughter to *John* Earl of *Rutland*, has the present *Anthony*, Earl of *Shaftsbury*, to whom I wish as much Health as he has real Merit and unblemished Reputation: And indeed 'tis pity that neither he, nor his Brother, the Honourable *Maurice Ashley*, Esq; have not yet thought fit to Marry. 'Tis a Debt they owe to their Family, which otherwise in the Revolution of a few Years will become extinct in the Male Line.

THE Great Seal being taken from the Lord Chancellor *Shaftsbury*, the King committed the Custody of it to Sir *Heneage Finch*, Knt. with the Title of Lord Keeper. This Gentleman was the Son of Sir *Heneage Finch*, Knight, sometime Recorder of *London*, and in the first Year of King *Charles* I. 1625, Speaker of the House of Commons; he being the Fourth Son of Sir *Moyle Finch*, of *Eastwell*, in the County of *Kent*, and so a younger Branch of the Noble Family of *Winchelsea*. He was born on the 23d of *June* 1621. Educated in *Westminster School*, and became a Gentleman Commoner of *Christ-Church* in *Oxford* in *Lent Term*, 1635. After he continued prosecuting his Studies there for Two or Three Years, he removed to the *Inner-Temple*, where by his Sedulity and good Parts he became a Noted Proficient in the Municipal Laws, was successively Barrister, Bencher, Treasurer, Reader, &c. Upon the happy Restoration of King *Charles* II. he was on the 6th of *June*, 1660, made Solicitor General to his Majesty, and on the Day after, being then made a Knight, the King was pleased to advance him to the Dignity of a Baro-

1673.

net of this Kingdom, by the Name of Sir *Heneage Finch* of *Raunstone* in *Buckinghamshire*, Sir *Heneage* was next Year Autumn or Summer, Reader of the *Inner-Temple*, he chusing then to read upon the Statute of 39 *Eliz.* concerning the Payment and Recovery of the Debts of the Crown: Which Statute tho' very seasonable, and then most necessary, was never read before upon (as was then reported) by any but himself. The Reading and Entertainment lasted from the 4th to the 17th of *August*; the former was with great Strength of Reason, Depth of Law, and Admirable Sense, and the other was of as great Variety as could be imagined, regularly carried on, and performed. The First Day's Entertainment was of several of the Nobility of the Kingdom, and Privy Councillors, with divers others of his worthy Friends: The Second was of the Lord-Mayor, Aldermen, and Principal Citizens of *London*: The Third, which was Two Days after the former, of the whole Colledge of Physicians, who all came with Caps and Gowns: The Fourth was of another Long Robe, for all the Judges, Advocates, Doctors of the Civil Law, and all the Society of *Doctors Commons*: The Fifth, was of the Archbishop, Bishops, and chief of the Clergy: And the last, which was on the 15th of *August*, was of the King, Duke of *York*, Lord Chancellor, most of the Peers and Great Officers of the Court, the Lords Commissioners of *Scotland* and *Ireland*, &c.

SIR *Heneage* in April 1661 was chosen a Member of Parliament for the University of *Oxford*, but a Modern Author says, he did them no Service when they wanted his Assistance, for the taking away of Hearth-Money. In 1665, after the Parliament then sitting at *Oxford* had been prorogued, he was in full Convocation created Doctor of
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the Civil Law, he being at that time one of the Four Members of Parliament that had Communicated the Thanks of the Honourable House of Commons, lately sitting in the said Convocation-House, to the Members of the University for their Reasons concerning the Solemn League and Covenant, Negative Oath, &c. made in 1647. The Creation being over, the Vice Chancellor in the presence of several Parliament Men, besides the said Four, stood up and spoke to the Publick Orator to do his Office, where he making a most Admirable Harangue, said among other things to this Effect; 'That the University wished they had more Colledges to entertain the Parliament Men, and more Chambers; but by no means more Chimneys, at which Sir *Heneage* was observ'd to change Countenance, and draw a little back.

When the Disgrace of the Great Lord Chancellor *Clarendon* drew on in 1667, and that he came to be Impeached in Parliament for some supposed high Crimes, Sir *Heneage Finch*, still Solicitor-General, shewed himself very active and forward against the Noble Earl, and very frequently spoke in those Debates, which ended at last in that Great but Unhappy Man's Banishment by Act of Parliament. We should have taken Notice before, that Sir *Heneage* shewed himself in like manner very busie, tho' but according to the Duty of his Place, at the Trial of the Regicides, where he made several Speeches and Discourses upon the Occasion.

HIS Majesty in the Year 1670 was pleased to make Sir *Heneage Finch* Attorney-General, and about Three Years after, upon the Removal of the Earl of *Shaftsbury* from being Lord Chancellor, he was made Lord

Keeper, as before noted : Soon after which he was advanced to the Degree of a Baron of this Realm, by the Title of Lord Finch, of *Daventry*, in the County of *Northampton*, (he being then Owner of that Mannor) by Letters Patents, bearing Date the 10th of *January*, in the 15th Year of *Charles II.*

THE Parliament meeting on the 7th of *January*, and the King having acquainted them with several Particulars relating to the present Juncture, and the War with the *Dutch*: The Lord Keeper very much enlarged upon it, and stily insisted upon the Tricking, Trifling and Obstinacy of the *Dutch*, in the Negotiation of Peace : The better undoubtedly to draw Money from the Parliament, tho' the Peace was at that time very forward, and as good as concluded. The Speech you have in the *Appendix*, and the Truth of it is, all this great Man's Speeches of State are so very fine and charming, that none of them ought to be omitted ; and the rather, because they are not easily to be met with.

THE Parliament was Prorogued on the 24th of *February*, to the 10th of *November* following, and thence to the 22d of *September* 1674 : But another Prorogation did not allow of their Meeting till the 13th of *April* 1675. Whether the Court was apprehensive that this did not please, or what other Motives it might have, the King's Speech mainly tended to have a right and lasting Understanding between him and them, which the Lord Keeper very floridly seconded in another very remarkable Speech, and indeed very much taken Notice of both by his Friends and Enemies. We shall not anticipate the Reader's Expectations here. 'Tis enough to hint, this is that
which

which contains those high Expressions: *No Influences of the Stars, no Configurations of the Heavens are to be feared, so long as these Two Houses stand in a good Disposition to each other, and both of them in an happy Conjunction with their Lord and Sovereign.*

THIS, and the Two other Speeches of the Lord Keeper, made in Parliament on the 13th of *October*, and *February* the 15th, 167⁶/₇, you will meet with together at large hereafter.

A LITTLE while after this, *viz.* on the 19th of *December*, the Lord Keeper having surrendred the Great Seal up into the Hands of his Majesty, he received it immediately back again from him, with the Title of Lord high Chancellor of *England*: His Sentiments about tacking of Bills, so much contested about in a late Sessions, in the House of Commons, since her Majesties Happy Accession to the Crown, as well as about other important Matters of State, you have contained in his Speech in Parliament on the 23d of *May* 1678. That made on the 21st of *Oct.* the same Year, about the Peace made at *Nimeguen*, and Things previous to it, the State of *Europe* abroad upon it, and our own Condition at home, together with his Sentiments about the Popish Plot, lately discovered, require the Reader's Attention and Observation. His Majesty called a new Parliament to meet on the 6th of *March* 167⁸/₉; the Lord Chancellor harangued them in a very eloquent Manner about the Popish Plot, and the Security of the Nation, to be provided for; and indeed there are so many Things said in this, and especially his other Speech in Parliament, on the 30th of *April*, about a Popish Successor, and the Ways to prevent his doing our Religion and

Liberties any Injury, yet without excluding him, that we could not well omit them.

THE Lord Chancellor performed the Office of Lord High Steward of *England* on the 7th of *December* 1680, at the Trial of that Unhappy Gentleman, *William*, Lord Viscount *Stafford*, who being found Guilty of High-Treason by his Peers, for being concerned in the Popish Plot, and then moving in Arrest of Judgment, the Lord Chancellor was pleased to tell him, that what he did upon that Account had been found by the Lords, upon due Consideration had of it, to be of no Moment at all. That it was no Essential Part of any Trial that the Prisoner should hold up his Hand at the Bar; there was no Record ever made of it when it was done; that the only Use of it was to shew the Court who the Prisoner was, and when that was apparent, the Court did often proceed against him, though he refused to hold up his Hand at the Bar; and therefore the Omission of that Ceremony in that Case was no legal Exception, as all the Judges had declared. That as to the Proviso's in the Statute of the Thirteenth Year of that King, their Lordships did find that they were in no sort applicable to that Case, forasmuch as the Proceedings against his Lordship were not grounded upon that Statute, but upon the Statute of 25 E. III. And yet if the Proceedings had been upon the latter Statute, the Proviso's therein could have done his Lordship no Service at all.

THEN the Chancellor told him, his Part therefore which remain'd was a very sad one; for he had never yet given Sentence of
Death

Death upon any Man, and was extreamly sorry that he must begin with his Lordship; and as it were expostulating the Matter, said, ' Who would have thought that a Person of your Quality, of so Noble an Extraction, of so Considerable an Estate and Fortune, so Eminent a Sufferer in the late Ill Times, so Interested in the Preservation of the Government, so much Obligated to the Moderation of it, and so personally Obligated to the King and his Royal Father, for their particular Favours to you, should ever have entred into so Infernal a Conspiracy as to contrive the Murder of the King, the Ruin of the State, the Subversion of Religion, and, as much as in you lay, the Destruction of all the Souls and Bodies in Three Christian Nations: And yet, continued he, the Impeachment of the House of Commons amounts to no less a Charge, and of this Charge their Lordships have found you Guilty.

' T H A T there hath been a General and Desperate Conspiracy of the Papists, and that the Death of the King had been all along one chief Part of the Conspirators Design, was now apparent beyond all Possibility of Doubting.

' W H A T was the meaning of those Treatises which were Publish'd about Two Years before against the Oath of Allegiance, in a time when no Man dream'd of such a Controversie? What was the meaning of Father Conyers's Sermon upon the same Subject, but only because there was a Demonstration of Zeal, as they call it, intended against the Person of the King? Which the Scruples arising from that Oath did somewhat hinder.

TO

‘ TO what Purpose were all the Correspondencies with Foreign Nations? The Collections of Money among the Fathers Abroad and at Home? What was the meaning of their Governing themselves in *England* by such Advices as came frequently from *Paris*, and *Saint Omers*? And how shall we expound that Letter which came from *Ireland*, to assure the Fathers here that all Things were in a Readiness there too as soon as the Blow should be given?

‘ DOES any Man now begin to doubt how *London* came to be Burnt? Or by what Ways and Means poor Justice *Godfrey* fell? And is it not apparent by these Instances, that such is the Frantick Zeal of some Biggotted Papists, that they resolve no Means to Advance the Catholick Cause shall be left unattempted, though it be by Fire and Sword?

HAVING gone thus far in General, he apply’d himself more particularly to his Lordship, and told him, That as the Plot in General was most manifest, so his Lordships Part in it had been too plain. That what he did at *Paris*, and continued to do at *Tixal* in *Staffordshire*, shew’d a settled Purpose of Mind against the King; and what he said at *London* touching *Honest Will*, shew’d he was acquainted with that Conspiracy against the King’s Life, which was carrying on here too: And that in all this there was a great Degree of Malice; for his Lordship at one time called the King Heretick and Traitor to God; and at another time Revil’d him for misplacing his Bounty, and rewarding none but Traitors and Rebels. And thus he saw that which the *Wise Man* forewarn’d him of was
come

come upon him, *Curse not the King, no, not in thy Heart, for the Birds of the Air shall reveal, and that which hath Wings will declare the Matter.*

H E Presumed to recommend Three Things to his Lordship's Consideration. In the first Place his Lordship now saw how it had pleased God to leave him so far to himself, that he was fallen into the Snare, and into the Pit, into that very Pit which he was digging for others. He desired him to consider therefore, that God Almighty never yet left any Man, who did not first leave him. He besought him in the next Place to think a little better of it than hitherto he had done, and what kind of Religion that was in which the Blind Guides had been able to lead him into so much Ruin and Destruction as was now like to befall him. And in the last Place, he pray'd his Lordship to consider, that true Repentance was never too late. A Devout Penitential Sorrow, joyn'd with an Humble and Hearty Confession, was of Mighty Power and Efficacy, both with God and Man.

T H A T there had been some of late, who had refused to give God the Glory of his Justice, by acknowledging the Crimes for which they were condemn'd: Nay, who had been taught to believe, that 'twas a mortal Sin to confess that Crime in Publick, for which they had been Absolv'd in Private; and so had not dar'd to give God that Glory which otherwise they would have done. God forbid that his Lordship should rest upon Forms; God forbid his Lordship should be found among the Number of those poor mistaken Souls, whom the first thing that undeceived was Death itself. That
perhaps

perhaps his Lordship might not much esteem the Prayers of those whom he had long been taught to miscall Hereticks ; but whether he did or not, he was to assure his Lordship, that all the Lords there, even they that had condemn'd him, would never cease to pray for him, that the end of his Life might be Christian and Pious, how Tragical soever the Means were that must bring him thither.

T H A T this was the last time that he could call him *my Lord*, for the next Words he was to speak would attain him ; and the Judgment of the Law was, and the Court did award, Hanging, Drawing, and Quartering, as in the like Cases.

B U T after the Sentence pronounced the Lord High Steward told the Prisoner, That the House of Lords, in Consideration of his Quality, did intend to move the King to Pardon all the rest of the Execution of this Sentence, except only the taking off his Head.

T H E King having Convened a Parliament at *Oxford*, and abruptly Dissolved it on the 27th of *March* 1681, he issued out a Declaration soon after, with an Intention to satisfy the People with the Reasons of it. A late Author says it was Signed only *Francis Gwynn*, and the Great Seal not put to it; upon which he takes Occasion to extol the Sagacity of the Lord Chancellor for it, which was as conspicuous as his Veracity, which he would not expose in seconding the King's Speech at the opening of the last *Westminster* Parliament.

A T length the Lord Chancellor being worn out with too much Business, which his Station and Office required, he yielded to Nature in his House in *Queen-street*, near *Covent-Garden*, on the 11th of *December*, in the Afternoon, in 1682, in the 61st Year of his Age, and his Body was buried on the 28th of the same Month in the Church of *Raunston*, before-mentioned, near *Oulney* in *Buckinghamshire*. Besides the Speeches already accounted for, there were some others of his, by his Majesties special Command, made by Way of Answer upon several Addresses presented to the King at *Hampton-Court*, on the 19th of *May* 1681. There are also extant his Arguments, upon which he made the Decree in the Case between the Honourable *Charles Howard*, Esq; *Henry*, Duke of *Norfolk*, *Henry*, Lord *Mowbray*, his Son *Henry*, Marquiss of *Dorchester*, and *Richard Marriot*, Esq; Defendants; wherein the several Ways and Methods of limiting a Trust for a Term of Years are fully debated, *London* 1685, in Nine Sheets in Folio: He also left behind him, written with his own Hand, *Chancery Reports*, MS in Folio, in the Hands of his Son, the present Earl of *Nottingham*.

T H I S Noble Lord acting in the most Boisterous and Ticklish Times, when the swollen Waves beat highest, occasioned chiefly by the Popish Plot, and what ensued thereupon, behaved himself with so regular, exactly poised, and even a Conduct that those who were most averse to the Managements then on Foot, scarce ever taxed him with any Errors, either as a Statesman or Chancellor; tho' perhaps there were some as to his last Office might think themselves aggrieved by his Decrees: But Losers will

will generally complain, tho' with but little Colour of Justice: Whereas others, whose Actions being not so justly ballanced, were either discharged from their Offices, or voluntarily resigned them up; but he stood still firm in the Opinion of Prince and People, and escaped the infamous Character of an Evil Counsellor.

HE was a very Eloquent Person, and a most Excellent Orator, and a Lord of that Wisdom, that some have stiled him the *English Roscius*, the *English Cicero*, &c. A noted Author, and no less a Man than the present Bishop of *Salisbury*, in his History of the Reformation, tell us, that his great Parts, and greater Vertues, were so conspicuous, that it would be a high Presumption in him to say any thing in his Commendation, being in nothing more eminent than in his Zeal for, and Care of the Church of *England*.

HIS Character is most excellently described in *Absalom* and *Achitophel*, under the Name of *Amri*, in these Lines.

*Our List of Nobles next let Amri Grace,
Whose Merits claim'd the Abethdin's high
Place;
Who, with a Loyalty that did excel,
Brought all th' Endowments of Achitophel.
Sincere was Amri, and not only knew,
But Israel's Sanctions into Practice drew;
Our Laws, that did a boundless Ocean seem,
Were coasted all, and fathom'd all by him.
No Rabbin speaks like him their Mystick Sense,
So just, and with such Charms of Eloquence:
To whom the double Blessing does belong,
With Moses Inspiration, Aaron's Tongue.*

HE

HE had by his Wife *Elizabeth*, the Daughter of *Daniel Harvey*, of *London*, Merchant, several Sons and Daughters: *Daniel*, the present Earl of *Nottingham*, his Eldest Son, succeeded him in Honour and Estate; he has been twice Secretary of State, once in the Reign of King *William III.* and since of Queen *Anne*, but is at present in no Publick Employment. He is blest with a numerous Issue, and is a Noble Man, of very Exemplary Regularity in his Family, wherein he merits to be more imitated, as well as in his other Vertues. His Second Son, *Heneage*, has been very Famous in his Practice of the Law and Pleadings at the Bar, having been bred in the *Inner-Temple*, as his Father was: In the latter Part of the Reign of King *Charles II.* he was made Solicitor-General, a Place his Father formerly enjoy'd; from whence, in King *James's* Time, he was removed about the 21st of *April* 1686, and Sir *Thomas Powis* put in: He was a great Advocate on Behalf of the Bishops at their Trial in 1688, and some time after the Accession of her Present Majesty to the Throne, advanced to the Degree of a Baron of this Realm, by the Title of Lord *Guernsey*: The Third Son of the Chancellor, is the Honorable *Henry Finch*, A.M. Dean of *York*: There is another that is a Clergyman, and one a Lawyer. The Chancellor's Daughter, *Elizabeth*, was Married to *Samuel Grimston*, Esq; Son to Sir *Harbottle Grimston*, Baronet, some time Master of the Rolls: Other Children there were, but I think none of them Living, or have been ever Married.

HIS

1682. HIS Majesty, Two Days after the Decease of the Lord Chancellor *Nottingham*, was pleased to put the Seal into the Hands of Sir *Francis North*, Knt. Lord Chief Justice of the *Common-Pleas*, with the Title of Lord Keeper.

THIS Gentleman was the Second Son of *Dudley*, Lord *North* of *Carthlage*: He advanced gradually in his Profession of the Law, wherein at last he attained the highest Dignity, having before he became a Judge been sometime Attorney-General to King *Charles II.* who, while in that Office, drew the King's Declaration against Petitioning for a Parliament, for which he was afterwards Impeached by the House of Commons.

HE was made a Baron of this Realm by the Title of Lord *Gilford*, in the County of *Surey*, by Patent, bearing Date on the 27th of *September* 1683. Sir *Francis North*, both while in the Place of Chief Justice, and also Lord Keeper, did not pass without some severe Reflections: Indeed the Times were turbulent; and 'tis no Injury, but Justice, to aver, that he run very much with the Stream of the Court, to the endangering, as a great many Wise Men thought, the Protestant Religion in this Kingdom: I find a late Author, in speaking of the Trial of *Stephen Colledge*, at *Oxford*, express himself to this Effect; 'That
' Sir *Francis Pemberton*, Sir *Thomas Jones*, and
' Justice *Raymond*, having done the Courts Job,
' in the Trial of *Fitz Harris*, a new Set of Four
' was made to do this of *Colledge's*; the Chief
' of which was Sir *Francis North*, (a Man cut
' out to all Intents and Purposes for such a
' Work, and as if Born to do it; his Father was

a Committee-Man in all the late Times against King *Charles I.* and his Grandfather One of the Seven, who condemned Archbishop *Laud*: That this was the first time that ever any Prisoner had his Instructions taken from him; whereby to make his Defence, and at a Time when there were such Contrivances to take away his Life; that the Chief Justice told him he had not taken away his Papers; to which *Colledge* replied, they were taken from him upon Pretence of bringing them to his Lordship: However, that the Courage of the Man put the Court and the King's Counsel to the Whisper, a Thing never practised before, and thereupon the Court must be Adjourned, the Pretence being for Dinner, tho' they had Breakfasted a little before: And before their Return the King's Council altered their Method of Proceeding against the Prisoner, from what they had before designed, and so sorted their Evidence, that they might not contradict one another, and so would not examine some of his Evidence.

T H A T yet upon the Return of the Court the Attorney-General, for Fear his Instructions might not be well remembred or understood, moved that the King's Evidence might be examined in the Hearing of one another, which tho' over-ruled, yet it was not observed: And that to satisfy the Jury, Sir *Francis North* told them in summing up the Evidence, they would inform the Jury what Part of it was Treason, and what Misdemeanour.

HE kept the Great Seal, and his Management was conformable enough to the Tendency of the Court till the Death of King *Charles II.* He was no less acceptable to his Brother, King *James*, who succeeded him in the Throne,

that Prince continuing him Lord Keeper to his Death, which hapned on the 5th of September 1685, at his House at *Wroxon* in *Oxfordshire*, near *Bambury*, and he was Buried privately in a Vault under Part of the Church there, amongst the Ancestors of his Wife, named *Frances*, the Second Daughter and Co-heir of *Thomas Pope*, Earl of *Down*, in the Kingdom of *Ireland*, Unkle to *Thomas*, the last Earl of *Down*, of the straight and lineal Descent of that Family, who died at *Oxford* in 1666. There was an odd Story of a Chancery Suit between the Duke of *N——* and Sir *P—— H——* in his Time, and of some Gold Plate in a Box, but it looks too invidious to relate it.

1685.

THE Great Seal being vacant by the Death of the Lord Keeper *North*, King *James II.* on the 28th of *October* was pleased to commit it to the Custody of *George Lord Jeffreys*, Baron of *Wem* in *Shropshire*, and at that Time Lord Chief Justice of the *King's-Bench*, with the Title of Lord High Chancellor of *England*. This Gentleman was the Sixth Son of *John Jeffreys*, of *Aſton*, in the County of *Denbigh*, in *North Wales*, Esq; by *Margaret* his Wife, Daughter of Sir *Thomas Ireland* of *Bewsey*, in the County Palatine of *Lancaster*, Knt. which *John* was the Son and Heir of another *John Jeffreys* of *Aſton* aforesaid, Esq; one of the Judges in *North Wales*, who was surnamed *Jeffreys*, from his Father *Jeffreys*, the Son of *Hugh*, likewise of *Aſton*, Paternally descended from *Tudon Trevor*, Earl of *Hereford*: Mr. *Jeffreys*, after running through the Course of the Grammar-School in his own Country, by some Interest or

or other became a *Westminster* Scholar; and having made a tolerable Proficiency in the learned Languages during his Stay there, removed without the Advantages of any Academical Learning to the *Inner-Temple*, where he became a very assiduous Student of the Municipal Laws of *England*; tho' in an Obscure and Mean Apartment, his Allowance being only Forty Pounds a Year, and that from an Old Grandmother, while his Father, upon Pretence of the Numerousness of his Family, but more indeed out of a Near and Covetous Nature, scarce contributed Ten Pounds a Year more towards his Cloathing: A very Scanty Incomb, put together, for the Support, and the Carrying of a Young Gentleman thro' so Genteel and Expensive a Study: But what was defective on the Part of his Friends was supplied by his own Ingenuity, which ever suggested some Shifts or other to him, till near the time that he should be admitted to the Bar; to which, however, 'twas confidently affirmed, he never was regularly called.

FOR hapning in the Sickness Time in 1666 to be at *Kingston* Affizes, and there being scarce any Counsellors to Plead People's Causes, by reason of that great Calamity in the City of *London*, and the Neighbouring Parts, which few cared to approach to, he by some Means or other got a Bar Gown on his Back, and here began to Plead; and having thus broke the Ice, acted from thenceforward as a Counsellor at Law, unobserved, till he arrived to the great Employments you will soon hear of.

SOME time after this, he very covertly made his Application in a Way of Courtship to the only Daughter of a Merchant, reputed

a Thirty Thousand Pound Man, by the Means of a Kinswoman and Companion of hers, and as I have been informed, a Clergyman's Daughter: She very heartily espoused his Interest, and proved a very powerful Advocate with the Lady in his Behalf, so that he seemed to be in a very fair way to carry her. But I know not by what unlucky Accident it fell out, that the whole Intrigue was detected by the Father, who thereupon took more effectual Care to secure the Daughter's Person, and immediately discarded her Companion.

A L L A R M E D and astonished with the Disappointment, she hastened towards *London* and wrote a sorrowful Letter to Mr. *Jeffreys*, including a Narrative of the whole Misadventure. He immediately went to her, and having received the Relation from her own Mouth, with more enlarged Circumstances than could well be contained within the Bounds of a Letter, the great Activity, Address and Sincerity, with which she had acted in his Behalf, inspired such generous Sentiments into him, that he could propose to make her no other Satisfaction than to marry her, which he actually did: And if I am not much misinformed, he had about Three Hundred Pounds in Money with her: She proved an excellent Wife, and the Mother of several Children to him, and lived to see him made Lord Chief Justice of *England*, or thereabouts. After her Decease he Married a Daughter of Sir *Thomas Bloodworth*, the Widow of ——— *Jones of Funman, Esq;* in the County of *Glamorgan*, or *Monmouth*.

I M P R O V I N G in Practice every Day, after his first Essay at the Bar, wherein he had the Address to please his Clients, tho' sometimes he lost his Cause, he left nothing untri-

untried, whereby he might obtain the Favour of the Court: His Complacency to which became in some Time so conspicuous, that he was judged a fit Person to promote the Designs they had then on Foot, of depressing as much as might be the Liberties of the People, to which they were not forward tamely to submit. He was first made a Judge in his Native Country, his eldest Brother being at that time high Sheriff, and another of his Brethren, bred a Divine, preached the Assize Sermon: He had the Honour of Knighthood conferred upon him about that Time, and in 1680, he was made Chief Justice of *Chester*. In the Month of *May*, the same Year, he, with several others, was promoted to be a Serjeant at Law, and the Dignity of a Baronet of this Kingdom was conferred upon him on the 17th of *Nov.* 1681 Tho' a little before this, the Commons in Parliament Assembled, being very sollicitous to Prosecute and Impeach all those that countenanced the Popish Plot, or were Abhorrrers of Petitioning the King for the meeting of the Parliament in the many Prorogations of it, and having passed some Votes accordingly, Sir *George Jeffreys*, then Recorder of *London*, came within the Number of those whom the Commons were justly displeased with, and they ordered an Humble Address to be made to his Majesty, to remove him out of all Publick Employments, and that the Members who served for the City of *London* should communicate this Vote to the Court of Aldermen, who thereupon displaced him.

THE Fewds ran high now between the Court and the Country Party: 'Twas said Sir *George* was one of those who advised the King to bring a *Quo warranto* against the City:

Sir *Edmund Saunders* dying in 1683, Sir *George Jeffreys* was on the 29th of *September* the same Year, sworn Lord Chief Justice of the *King's Bench* in his Room, and on the 4th of *October* following admitted One of his Majesties most Honourable Privy-Council. It would be an ungrateful Part to enter upon a Disquisition of his Behaviour in the Trials that came before him, especially of any Criminals, or pretended Ones of State, let their Quality be what it would: But this must be said, that scarce ever any Judge in *England* was more Partial on the Court Side, and so much Insolence and *Billingsgate* towards the Prisoners at the Bar cannot be Parallell'd in History.

OF this Multitude of Instances might be given, one of which in the Case of Mr. *Richard Baxter*, a Nonconformist Minister, take as follows: The Lord Chief Justice committed him to Prison in the beginning of King *James's* Reign, for his *Paraphrase on the New Testament*, Printed a little before, which was termed a Scandalous and Seditious Book against the Government. He appear'd at *Westminster-Hall*, May the 6th, 1685, and an Information was ordered to be drawn up against him, but being much indisposed on the 18th, and moving for further time for his Trial, *Jeffreys* told him ' he would not give him a Minute ' more to save his Life; and added, that they ' had had to do with other Sorts of Persons, but ' now they had a Saint to deal with, and he knew ' how to deal with Saints as well as Sinners: ' Yonder (said he) stands *Oats* in the Pillory, ' as he then actually did, in the *New Palace-Yard*, and he says he suffers for the Truth, and ' so says *Baxter*; but if *Baxter* did but stand on ' the other Side of the Pillory with him, I would ' say,

say, Two of the greatest Rogues and Rascals stood there Mr. *Baxter* was Tried at *Guild-Hall* on the 30th, when the Lord Chief Justice did so Brow-beat his Council, that nothing could be heard in his Favour; and tho' several Clergymen appeared in Court on his Behalf, they were of no Use to him through the others Violence. But to return, the Bailing of the Lords in the *Tower*, had been often moved for; but on the 12th of *February* 1684, Sir *George*, and his Brethren of the *King's Bench*, concluded all in one Judgment, that the Earl of *Danby*, tho' Impeached by the House of Commons, and committed by the Lords, ought to be bailed, and at the same time the Chief Justice admitted the Popish Lords, viz. the Earl of *Powis*, the Lord *Arundel* of *Warder*, the Lord *Bellasis*, and the Earl of *Tyrone*, to Bail.

IT were better, if possible, to draw a Veil over all the Inhumanities exercised towards *Monmouth's* miserable Adherents in the West; for the condemning of whom the Chief Justice neglected no Opportunity, Stratagem nor Pretence: And it must not be forgot in this Place, that he took a Bribe of 14500 *l.* of Mr. *Prideaux* to save his Life: His bloody Services upon his Return from the *West*, were rewarded with the Custody of the Great Seal of *England*, as aforesaid; but he had been made a Peer before, viz. on the 15th of *May* 1685, and scarce any Lord Chief Justice was ever so before him.

HE was Constituted Lord High Steward of *England* on the 14th of *January* 1685, for the Trial of *Henry* Lord *de la Mere*, who was acquitted: Here only he carried himself with great Moderation and Decency, but more in

Probability, out of Respect to the August Auditory, the King and Queen being present, and the Quality of the Noble Lords, who sat as Judges, than Respect to the Cause. The Lord Chancellor was at the Head, and the Principal Actor in the Commission of Ecclesiastical Affairs, which fell first upon the Bishop of *London*, for not suspending Dr. *Sharp*, now Archbishop of *York*, for Preaching a Sermon against the Frauds and Corruptions of the Church of *Rome*: It might have been expected that so Reverend a Prelate, whose Noble Family and himself had merited so much from the Crown, might have met with a milder Treatment from the Chancellor, who after all had little to say for himself, but *must not the King be obey'd?*

KING *James* his Declaration of Indulgence being ordered to be read in the Churches, and the Archbishop of *Canterbury*, with Six other Bishops, having Petitioned the King against it, the Chancellor, tho' he thought his Ecclesiastical Commission big enough to Suspend the Bishop of *London*, the Vice-Chancellor of *Cambridge*, and to expel the Master and Fellows of *Magdalen Colledge* in *Oxford*, yet it seems did not think it sufficient to Suspend these Bishops, and therefore 'twas reported he advised the King to have them tried upon an Information of High Misdemeanour in the *King's Bench*.

BUT the Bishops being cleared, and the Tide beginning now to turn, upon an Apprehension of the Prince of *Orange's* Arrival with an Army in *England*, the Chancellor, who had been Instrumental to have the City Charter taken away in 1683, was now ordered by the King to carry it back again to *Guild Hall*, in very great Formality, and made a submissive
 Refig.

Resignation of the same to the City, to the inexpressible Joy of the Beholders, tho' with no great Indication of Thanks to the Chancellor.

THE Lord *Jeffreys's* Fate, as well as that of his Master King *James*, came on apace: For the Prince of *Orange* being landed, advanced towards *London* without Opposition, and the King having taken the Seal from the Chancellor, left him in the Lurch, and withdrew privately on the 10th of *December*, in the Dead of the Night, down the *Thames*, in order to go for *France*. The Great Seal was afterwards found by a Fisherman in the *Thames*, and the Chancellor now without Protection, having rendred himself obnoxious to most People, and being perfectly hated by the Nation, on *Monday*, between Three and Four in the Morning, withdrew, and having in Disguise got down safe to *Wapping*, put himself on Board a Collier, which was pretended to be Bound for *New-Castle*, but indeed was designed for *Hambrough*: But some Persons having Notice thereof, by the means of the Mate, they went to a Justice for a Warrant to apprehend him; but he thought fit to put them off, whereupon they applied themselves forthwith to the Lords of the Council, who granted them a Warrant, and they went immediately to search the Ship: But he on *Tuesday* Night, not thinking himself safe on Board the Collier, in which he was to pass, lay in another Ship hard by, so that those who came that Day to search for him miss'd of him on Board, but had Information given them that he was hard by, at a little Pedling Ale-House, where accordingly they found him, being the Sign of the *Red-Cow* in *Anchor* and *Hope Alley* near *King Edward*.

Edward Stairs; from whence they immediately hurry'd him in a Coach, Guarded with several Blunderbuffes to the *Lord-Mayors*, where the Crowd was so great, and the Rabble so numerous, all crying out together, *Vengeance, Justice, Justice*, that the Lord-Mayor was forced to come out into his Belcony, and with his Hat in his Hand desired the People to go away, and keep the Peace; and did promise them that he had already sent to the Lords of the Council about the Matter, and that they should have Justice done them; and that in the mean time their Prisoner should be safely Guarded: Whereupon the People withdrew, and soon after my Lord under a strong Guard, was sent to the Lords of the Council, who committed him to the *Tower*, where he continued to the 18th of *April* 1689, when he was freed by Death from his Earthly Confinement. He had for some Years before been subject to terrible Fits of the Stone, which in all Probability now accelerated his Death, tho' others gave out he abandoned himself to excessive Drinking, thinking to support his sinking Spirits by it, and that that helped forward to put a Period to his Life: He was Buried privately in the *Tower* the *Sunday* Night following, by an Order his Relations got from King *William*.

HE was a Man of quick and sprightly Parts, a very ready Wit, but no Profound Lawyer; his Person was tall and comely enough, and he had a very piercing Eye: He was justly reckoned a Good Chancellor, unless where the Court was a Party, few or none of his Decrees being ever reversed: And that which he made in Behalf of the late Earl of *Pembroke's* Daughter, who was

to be Married to his own Son, stood firm, and the present Earl could not get it revoked in the House of Lords, to whom he appeal'd concerning it. Some thought if he had lived a little longer he would have been called to an Account for his Insolencies and Male-Administrations ; others believed he should have been soon enlarged, and escape impunedly. These are all Conjectures, but this is certain, that there was not at that time any Man in *England* more obnoxious to the People than himself, and no Body under his Circumstances would have been very fond of trusting himself amongst them.

H E had only One Son and Two Daughters that surviv'd him; all born of the First Venter. The late Lord *Jeffreys* was a Young Nobleman, of fine Parts; he died on the 9th of *May* 1702, without Issue-Male ; so that the Honour died along with him. Whether it were the Extravagancy of this last Lord, or what other Fatality attended them, I am credibly inform'd, there is scarce any of the Chancellor's large acquired Fortune left in the Family. I know not into whose Hands the Estate at *Wem* in *Shropshire* has passed ; but that of *Bulstrode* in *Buckinghamshire* is in the Possession of *William* Earl of *Portland*, who frequently resides there.

UPON the coming of King *William* and Queen *Mary* to the Throne, Sir *John Maynard*, Knt. together with *Anthony Kecke*, of the *Inner-Temple*, Esq; and *William Rawlinson*, Serjeant at Law, were about the 2d of *March* made Lords Commissioners of the Great Seal of *England*. This *Maynard* was the Eldest Son of *Alexander Maynard*, of *Tavistock*

1689.

vistock in *Devonshire*, Esq; was born there, and in Time became a Commoner of *Exeter-Colledge* in *Oxford*, viz. in the beginning of the Year 1618, at the Age of Sixteen, or thereabouts: He took the Degree of Batchellor of Arts there, but before he determined or compleated that Degree by Determination in *School-street*, he went to the *Middle-Temple* to study the Municipal Law, was called to the Bar, and being a Favourite of *William Noy*, Attorney General, was much resorted to for his Counsel.

IN the Year 1640 he was chosen a Burgess to serve for *Totness* in his Native County, in the Parliament that began at *Westminster* on the 13th of *April*, and again for the same Place in that which began on the 3d of *November* following: In which last, being noted for his Activity and Readiness in Pleading, he was appointed one of the Committee to draw up Evidence against the Earl of *Strafford*, wherein he acted his Part much to the Satisfaction of those who had the chief Hand in putting him upon it. Afterwards he managed the Evidence against Archbishop *Laud*, kept close to the Parliament Interest, took the Covenant, and was one of the Laymen nominated in the Ordinance of the Lords and Commons to sit with the Assembly of Divines. He began about this Time to grow very Famous in his Profession, and Eminent for his Practice, by which he got a great deal of Money: Infomuch, that in a Circuit appointed by the Parliament, it was reported he had gained Seven Hundred Pounds, which was believed to be more than any one of the Profession ever did before.

HE was upon *Oliver's* assuming the Protectorship in 1653, by Writ dated the 4th of *February*, called to the degree of Serjeant at Law, having before taken the Engagement, and on the First of *May* following was by Patent, made the Protector's Serjeant, and continued in great Repute, only he had one Scuffle with the Protector, which is not to be omitted in this Place. One time, when he had laid some extraordinary Tax upon the City, one *Cony*, an Eminent Merchant, who had formerly served *Cromwell* very Notably, Positively refused to pay his Share, and loudly disswaded others from submitting to it, as an Imposition notoriously against the Law, and the Property of the Subject, which all honest Men were bound to defend: *Cromwell* hearing of this, sent for and Cajoled him with the Memory of the old Kindness and Friendship that had been between them, and that of all Men he did not expect this Opposition from him, in a Matter that was so necessary for the Good of the Commonwealth. It seems it had always been *Cromwell's* Fortune to meet with the most rude and obstinate Behaviour from those who had formerly been absolutely governed by him, and they commonly put him in mind of some Expressions of his own, in Cases of the like Nature. And this Person in like manner remembered him how great an Enemy he had expressed himself to such Grievances, and had declared that all that submitted to them, and paid Illegal Taxes, were more to blame, and greater Enemies to their Country, than they who had imposed them, and that the Tyranny of Princes cou'd never be grievous, but thro' the Tameness and Stupidity of the People. When *Cromwell* saw he could not bring him

him to his Bow, he told him he had a Will as stubborn as his, and he would try which of them Two shou'd be Master. Thereupon with some Expressions of Reproach and Contempt he committed the Man to Prison, whose Courage was no ways abated, but as soon as the Term came, brought his *Habeas Corpus* in the *King's-Bench*, then called by the Name of the *Upper-Bench*. *Maynard*, who was the Prisoners Counsel, demanded his Liberty with great Confidence, both upon the Illegality of the Commitment, and the Illegality of the Imposition, as being laid without any Lawful Authority. The Judges could neither maintain nor defend either, and sufficiently declared what their Sentence would be, and therefore the Protector's Attorney required a farther Day, to answer what had been urged : But before the Day came, *Maynard* was committed to the *Tower*, for presuming to question or make any Scruple of his Authority, and the Judges were severely reprehended for allowing that Liberty at the Bar; and when they very humbly mentioned the Law and *Magna Charta*, *Cromwell* told them, with Terms of Contempt and Derision, their *Magna F——* shou'd not controul his Actions, which he knew were for the Safety of the Commonwealth; then he asked them, who made them Judges, whether they had any Authority to sit there but what he gave them, and that if his Authority was at an End, they knew well enough, what would become of themselves, and therefore advised them to be more tender of that which would only Preserve them; and so dismissed them with Caution, that they should not suffer the Lawyers to Prate what it would not become them to hear.

MAYNARD having by all submissive Applications obtain'd his Liberty, we hear not much of him till after the King's Restauration, to which he did no Way shew himself averse, but indeed heartily espoused it: He was by Writ in the beginning of *June* called again to the Degree of Serjeant at Law, made the King's Serjeant on the 9th of *November*, and Knighted on the 16th of the same Month *An.* 1660; at which Time he was appointed to be one of the Judges; but by several Excuses got himself clear of that Employment. He was in the beginaing of 1661 Elected Burgeſs for *Beralston* in the County of *Devon*, to sit in the Parliament that began at *Westminster* on the 8th of *May* the same Year, and for some time run in with the Common Current, ready in every thing to gratifie the Court; but when he saw to what End the several Affairs and Interests of Men tended, to the Increase of Pensioners therein, and of Popery in the Nation, he stood up for the good of his Country, and therefore was esteemed a Patriot.

AFTER that Parliament was dissolved, he was Elected a Burgeſs in his own Country, to serve in the next Three Parliaments that were called by King *Charles II.* In that which began on the 17th of *October* 1679, (which because of several Prorogations did not sit till the 21st of *October* 1680) he was one of the Committee to manage the Evidence against *William Viscount Stafford*, impeached of High Treason for the Popish Plot; but being then aged, did not appear so active at that Trial as he had been at that of the Great Earl of *Strafford*.

WHEN

WHEN King *James II.* came to the Crown, he was again chosen Burgeſs for *Ber-alſton*, to ſit in that Parliament that began at *Westminſter* on the 19th of *May 1685*. Upon King *William's* aſcending the Throne, being made Commiſſioner of the Great Seal, as aforeſaid, he was choſen Burgeſs for *Plimouth* (he being not able to carry the Election for *Middleſex*, for which he ſtood Candidate) to ſit in that Parliament, which began at *Westminſter*, on the 20th of *March 1688*. He was grown ſo infirm with his great Age and the various Fatigues of a long and active Life, that he gave up his Place of Commiſſioner ſoon after, and indeed did not long ſurvive it, for he departed this Life at his Houſe at *Gonersbury* in the Pariſh of *Eling*, in the County of *Middleſex*, on the 9th of *October* following 1690, and his Body, attended by certain Officers of Arms, and a large Train of Coaches, was in a few Days after buried in the Church of *Eling*.

THIS Sir *John Maynard* was a Perſon, who by his Great Reading and Knowledge in the more profound, perplexed, and knotty Parts of the Law, had many Years ago procured the Reputation of being one of the chief Dictators of the long Robe, and by his great Practice for many Years together, acquired a very plentiful Eſtate. The University of *Oxford* is much beholding to him, and ought for ever to retain a grateful Remembrance of him, he always conſidering the ſame as his Mother, and conſtantly reſuſed, tho' in the Way of his Profeſſion, to be entertained by any againſt her; and whenever any Perſons delegated by her Authority for the Management of her Publick Law Concerns applied themſelves to him for his

his Advice and Assistance, he did most readily give them both, and ever acted his best on her Behalf.

T H E R E are several Things extant of Sir *John Maynard*, as Discourses in the Management of the Evidence against *Thomas Earl of Strafford*; others upon the like Occasion against the Archbishop of *Canterbury*. Speech at the Committee at *Guild-Hall* 1641, concerning the Breaches and Priviledges of Parliament. *London's Liberty*, or Learned Arguments of Law and Reason before the Lord-Mayor and Court of Aldermen at *Guild-Hall*, 1650. *Lon.* 1682. Fol. Reports and Cases argued and adjudged in the Time of *Edward II.* and also divers *Memoranda* of the *Exchequer* in the Time of *Edward I.* *Lon.* 1679. published according to the Ancient Manuscript then remaining in the Hands of Sir *John Maynard*; to say nothing of the Speeches and Arguments used by him at the Trial of *William Lord Viscount Stafford*. I had almost forgot to take Notice of Sir *John Maynard's* being a Member of the Convention Parliament in 1688, and that he was a great Promoter of the Revolution, he being the Person, according to Common Fame, that first started the Word *Abdication* in the House of Commons, for which he appeared a great Stickler in the Free Conference between the Lords and Commons about that Weighty and Critical Affair.

A S for the other Commissioners of the Great Seal, who were Sir *John's* Colleagues, viz. Sir *Anthony Keck*, and Sir *William Rawlinson*, the first of them did not live, at least was not employed in the New Commission, granted by their Majesties about the beginning of *June*

[N]

1690,

1690, whereby Sir *John Trevor*, Knt. Speaker of the House of Commons, the said Sir *William Rawlinson*, and Sir *George Hutchins*, Kt. were Constituted Commissioners of the Great Seal. Sir *Anthony*, a Gentlemen Born from no great Beginning, had by his Industry and Skill in the Profession of the Law attained a good Fortune, and some Fame for Integrity: Sir *John Trevor* is the present Master of the Rolls, and Eminent for his Acuteness in the Discharge of his great Post: Sir *William Rawlinson*, if I mistake not, was a Gentleman of Birth of the County of *Lancaster*: I had rather draw a Veil over the Character commonly given him and his Colleague *Hutchins*, in the high Station wherein they acted by Concert, than enter upon the Disquisition of an Affair wherein I cannot be sure to be in the Right, since their Commission was superseded in *March 1692*. They are since both Dead, *Rawlinson* having paid his Debt to Nature *May 11th 1703*, and lyes buried in *Hendon Church* in the County of *Middlesex*, with a Noble Monument Erected for him, and his Statue, in a lying Posture, most curiously cut in Marble which indeed very much resembles him: I know nothing of Sir *George Hutchins* his Exit, that being as obscure to me as his Birth was reported to be, and so I leave them to their Rest.

1692.

ABOUT the latter end of *March*, Sir *John Somers*, Knt. then Attorney-General, was Constituted Lord-Keeper of the Great Seal of *England*. Here is a large Field to expatiate upon the Great Learning and other Perfections of this Gentleman, but he being still alive I shall entirely wave it. He was Born in *Worcestershire*, studied the Law in the *Temple*, became a very great Proficient therein, as well

well as in the Civil Law. His Concealed and Excellent Talents came not much to be known till the Trial of the Seven Bishops in 1688, for whom he was Counsel: He was chosen a Member for the City of *Worcester* in the Convention Parliament, and was one of the Managers of the Conference between the Lords and Commons about the Abdication of King *James*, wherein he discovered his great Learning and Knowledge. King *William* in the beginning of *May* 1689 was pleased to make him his Solicitor-General. Some Time after, upon the Promotion of Sir *George Terby* to be Lord Chief Justice of the *Common-Pleas*, Sir *John Somers* was made Attorney-General in his Room, from whence he was promoted to be Lord-Keeper as aforesaid, to the General Satisfaction of the People, who had no great Opinion of the late Management of the Chancery by the Commissioners. His Lordship continued with great Application to regulate the Abuses that had crept in, and faithfully to discharge the great Trust reposed in him. Queen *Mary* dying the latter end of the Year 1694, to the great Regret of her Loyal Subjects, my Lord-Keeper was constituted one of the Lords Justices of *England*, for the Administration of the Government during his Majesty's Absence in 1695. He executed the same Trust the Four succeeding Years. The King in 1697 having received the Great Seal from the Hands of the Lord-Keeper in Council, was pleased to return it to him again, with the Title of Lord-Chancellor, to which he afterwards added the farther Honour of a Baron of *England*, by the Stile and Title of Lord *Somers*, Baron of *Evesham* in the County of *Worcester*.

BEFORE his Majesty left *England* in 1698, he was pleased to acquaint my Lord-Chancel-

lor *Somers*, that some Intimations had been given the Earl of *Portland*, when in *France*, that the *French* King inclined to come to an Agreement with his Majesty concerning the Succession of the Crown of *Spain*; and that after he went over that Summer to *Holland*, Mr. Secretary *Vernon* communicated to his Lordship, then at *Tunbridge*, by his Majesties Permission for the Recovery of his Health, a Letter he had receiv'd, writ by the Earl of *Portland*, by the King's Order, wherein it was mentioned, that Count *Tallard*, the *French* Ambassador, had declar'd to his Majesty an Accommodation might be found out in relation to the *Spanish* Succession, in Case of the King's Death, and that his Majesty had sounded *France* upon what Terms an Agreement might be made, the Substance of which was communicated to him.

HIS Majesty farther Commanded Mr. *Vernon* to speak to my Lord Chancellor about that Matter, and that his Lordship should discourse it with those he thought he might trust with the Secret. At the same Time my Lord *Somers* received a Letter from the King, Signed by himself, intimating the same Matter, and about which my Lord *Portland* would write to Mr. *Vernon*. He likewise Commanded his Lordship to send full Power to him under the Great Seal of *England*, with Blanks for the Names of the Commissioners to Treat with Count *Tallard*; and the King in his Letter was pleased to say he believed it might be done secretly; none but my Lord Chancellor, Mr. Secretary *Vernon*, and those to whom he and Mr. Secretary should communicate the same, were to have any Knowledge of the Matter; and the Clerks who were to write the full Powers should not know what they were: My Lord Chancellor immediately re-
turned

turned my Lord *Portland's* Letter to Mr. *Vernon*, and desired him to Communicate the Contents of it to the Earl of *Orford*, and to Mr. *Charles Montague*, since Created Lord *Hallifax*, who, as he was assured, were then in *London*; and also to such others as they and Mr. *Vernon* should think fit; who in regard to the King's Command to have that Affair kept secret, thought fit to impart it only to the Duke of *Shrewsbury*, as Mr. *Vernon* afterwards acquainted my Lord *Somers*.

SOME Time after my Lord *Hallifax* going down to *Tunbridge*, and Mr. *Vernon* coming thither also about the same Time, they and my Lord Chancellor discoursed together concerning the Partition Treaty, after which my Lord *Somers* writ a Letter to his Majesty, dated *August* the 28th, as his own Thoughts, and what was apprehended to be the Result of their Consultation, wherein he humbly represented, First, that the Certainty of such a Proposal, as was mentioned by Count *Tallard*, seemed to be attended with very many ill Consequences, if the *French* King did not act a sincere Part; but that they were soon at Ease as to any Apprehension of that Sort, being fully assured that his Majesty would not act but with the utmost Niceness in an Affair wherein his Glory and the Safety of *Europe* was so highly concerned: That the Second Thing they considered was the very ill Prospect that was like to happen upon the Death of the King of *Spain*, in case nothing were done previously towards providing against that Accident, which seemed probably to be very near, the King of *France* then having so great a Force in such a Readiness, that he was in a Con-

dition to take Possession of *Spain*, before any other Prince could be ready to make a Stand; that his Majesty was the best judge whether that was the Case, who was so perfectly informed of the Circumstances of most Parts of *Europe*: But so far as it related to *England*, it would be want of Duty not to give his Majesty that clear Account, that there was a Deadness and Want of Spirit in the Nation universally, so as not at all to be disposed to the Thoughts of entering into a new War; and that they seemed to be tired out with Taxes to a degree beyond what was discerned, until it appeared upon the Occasion of the then late Elections: That this was the Truth of the Fact, upon which his Majesty would determine what Resolutions were proper to be taken. The remaining Consideration was, what would the Condition of *Europe* be if the Proposal took Place? But of that they thought themselves little capable of judging; but it seemed that if *Sicily* was in the *French* Hands, they would be entirely Masters of the *Levant* Trade; that if they were possessed of *Final*, and those other Sea-ports on that Side, whereby *Milan* would be entirely shut out from Relief by Sea, or any Commerce, that *Dutchy* would be of little Signification in the Hands of any Prince; and that if the *French* King had Possession of that Part of *Giupuscoa*, which was mentioned in the Proposal, besides the Ports he would have in the Ocean, it seemed he would have as easie a Way of Invading *Spain* on that Side, as he had on the Side of *Catalonia*: But it was not to be hoped that *France* would give up its Pretensions to so great a Succession without reasonable Advantages; and they were assured his Majesty would reduce the Terms [as low as could be done, and

and make them as far as was possible in the then Circumstances of the Times, such as might be some Foundation for the future Tranquility of Christendom, which all his Majesties Subjects could not but be convinced was his true Aim: And if it could be brought to pass, that *England* might be some Way a Gainer in that Transaction, whether it was by the Elector of *Bavaria*, who was the Gainer by his Majesties Intercession in that Treaty, his coming to an Agreement to let the *English* into some Trade in the *Spanish* Plantations, or in any other Manner, it would wonderfully endear his Majesty to his *English* Subjects.

T H A T it did not appear, in Case the Negotiation should proceed, what was done on his Majesties Part, in order to make it take Place, whether any more were required, than that the *English* and *Dutch* should sit still, and *France* itself was to see it executed; and if it were so, what Security ought to be expected, that if by their being Neuters the *French* should be more successful, they would confine themselves to the Terms of the Treaty, and not attempt to make farther Advantages of their Success.

N O T W I T H S T A N D I N G these wise Premonitions of his Lordship, the Treaty went on, and was concluded, and in less than Two Years after this the Great Seal was taken from him, and no Body for some Time would adventure to receive it, and discharge the great and difficult Trust held by it, after him; and the Year following, viz. in 1701, his Lordship and some other Peers fell, I know not for what, under the Displeasure of the House of Commons, so that they exhibited a Charge against him, that contrary to his Trust he put

the Great Seal to the Commissions for treating about the Partition without the Participation of the Council; that having no Warrant for the same, he afterwards endeavoured to procure one to be transmitted to him; that he ratified the Treaty of Partition in 1698; that he did the same by the Treaty of Partition in 1699; that he did not cause the said Commissions and Ratifications to be enrolled; that he procured divers Grants to himself, of which they instanced divers Particulars in Two or Three Articles; that he was concerned as well as the Lord of *Orford* in sending out Captain *Kidd*; that he did not do his Office in Chancery, but asserted some Things dangerous to the Constitution of the Kingdom: As to the Treaty of Partition the forementioned Letter gives an ample Account of it; and for his Signing Commissions, in order to treat, he thought his Majesties Letter a sufficient Authority for it, as he had also one for the Blanks for Ratification: As for the enrolling the Commissions, &c. he thought that was none of his Business, but the Prothonotary in *Chancery*: Having proceeded thus far in his Answer, and given a Detail of the Grants, which were nothing near what was urged against him, he said that *Kidd* was sent out for the Good of the Publick, tho' it proved otherwise in the Event; that he never delayed Proceedings in *Chancery*, and never delivered there or any otherwhere any Propositions dangerous to the Constitution of the Kingdom.

THE Lords insisting from time to time that the Commons should agree to the speedy Trial of his Lordship, and the other Peers, and the Commons alledging they could not yet be ready for it, the Lords proceeded to the same

same without them, and honourably acquitted them: His Lordship has for the most part lived since retiredly; only when any Thing has been on Foot in Parliament, wherein he thought the Good of his Country had been concerned, he has shew'd himself a Zealous and Constant Stickler, and no doubt will ever remain so, as long as his Health will permit him, of which I wish him as great a Share as he has Abilities and Inclinations to withstand any Thing that may be detrimental to his Prince, and destructive of the Liberties of *Great-Britain*.

SOME time after my Lord Chancellor *Somers* had delivered up the Great Seal, it was committed to the Custody of Sir *Nathan Wright*, Knt. who kept it till *October 1705*, since which time he has for the most part lived without Noise in the Country: This Gentleman was a Clergyman's Son in *Leicestershire*, and being Bred to the Profession of the Law, made large Advances therein; but was more particularly taken notice of at the Bar of the House of Lords in the Case of Sir *John Fenwick*, which indeed gave him a Lift towards attaining the Custody of the Great Seal, during which he was one of the Lords Justices of *England* here during his Majesty King *William's* Absence in *Holland*, in the Years 1700 and 1701. Upon the Accession of Her Present Majesty to the Throne he seem'd to be firmly established in his Great Office, which he held to the aforesaid Time, but was then deprived thereof for Reasons best known to those then at the Helm, tho' he had wisely declined all he could to meddle with Politicks during his continuance in that High Station.

1700.

SIR

SIR *Nathan Wright* was succeeded by *William Cowper*, Esq; Eldest Son of Sir *William Cowper*, Originally of *Wingham*, in the County of *Kent*, an Eminent Counsel at the Bar, who had the Great Seal delivered to him in *October* this Year: Having made choice of his Officers, and strictly enjoined them to a faithful Discharge of their Places, without taking the least Fee beyond their Due, upon Pain of being immediately cashiered, he performed soon after a most Self denying and popular Act, by absolutely refusing the usual Presents at *New-Years-Tide* made by the Gentlemen of the Long Robe, to those that had the Great Seal in their Custody. This Custom, if I am not misinformed, was first brought up in the Lord Chancellor *Egerton's* Time, who received at that Season of the Year not Presents in Money, but in Kind, which the after corruption of the Times brought to degenerate into the former, and to a much greater Value; all which he quite abolished. Her Majesty in *April 1706* having Issued out her Commission to treat of an Union between the Two Nations of *England* and *Scotland*, and my Lord-Keeper being the Second of those for the former, constituted to treat about the same, upon the first Meeting of the Commissioners on both Sides, his Lordship began that great Work, and Addressing himself to the Lords Commissioners for *Scotland*, said, that they, the Commissioners Appointed by Her Majesty, and Authoriz'd by the Parliament of *England*, to consult and treat with their Lordships, as impower'd in like manner by Her Majesty and the Parliament of *Scotland*, concerning an Union of the Two Kingdoms, and such other Things, as they, the Commissioners on either Part, should think convenient and necessary for the Honour of Her

1706.

Her Majesty and the Common Good of both Kingdoms, did apprehend, there never was (in an Assembly of that Nature) so little Occasion as at that present, to give any Verbal Assurance of their Zeal to promote and compleat (so far as in their Power) the Great and Good Design they were met about, since it could not be doubted but that they brought along with them the same Sentiments which so lately appeared in the Parliament of *England*, when they took Care to manifest by a solemn Act, that they did postpone all other Considerations, to their evidencing a good and friendly Disposition towards the Kingdom of *Scotland*.

T H A T the Parliament of *England* in making that unexpected Advance, seem'd resolved, if possible, to attain that Union, which had so long been thought necessary, by all that wished well to the Prosperity of both Nations.

A N D they most sincerely assured their Lordships, that they accordingly gave them the meeting with Hearts fully resolved to use their utmost Endeavours to remove all Difficulties in that Treaty, to prevent all Misunderstandings, to cherish and improve the good Dispositions to one another they met with, to have the general and joint Good of both Kingdoms duely in their View, and not the separate of either, but to act as if they were already united in Interests, and had nothing left to consider, but what Settlements and Provisions were most likely to conduce to the common Happiness and Safety of the whole Island of *Great-Britain*; which Measures, if pursued on both Parts, they hoped might enable them to prepare such Terms of Union as might prove Satisfactory to Her Majesty, and the Parliaments of both Kingdoms.

THE

THE Earl of Seafeld, Lord Chancellor of Scotland, having made a suitable Answer for the Commissioners of that Kingdom, the Lord Keeper in the Name of the Commissioners for England, on the 22d of April delivered to the Board the Preliminaries, which being first read, he afterwards delivered Proposals for uniting the Two Kingdoms into one by the Name of *Great-Britain* for ever; that that united Kingdom should be represented by One and the same Parliament; and that the Succession to the Monarchy of the same, in Case of failure of Heirs of Her Majesties Body, should be according to the Limitation mentioned in an Act of Parliament, made in the 12th and 13th of *William III.* Entituled, *An Act for the further Limitation of the Crown, and the better securing the Rights and Liberties of the Subjects.*

IT would be too great a Digression to follow the Paces made towards compleating the Union between the Two Kingdoms, wherein the Lord Keeper *Cowper* was generally the Mouth of those who acted on the Part of *England* in that arduous Affair; but the same having been happily concluded by them, they jointly waited upon Her Majesty at *St. James's* on the 23d of *July*, where the Lord Keeper in the Name of the *English* Commissioners presented the Sign'd and Seal'd Instruments in Writing to Her Majesty, the same containing the Articles of the Union on the Part of *England*, and then at the same time was pleas'd to deliver himself to this Effect.

THAT they the Commissioners appointed by Her Majesty, in pursuance of the Act of Parliament passed in Her Kingdom of *England*, to treat concerning an Union of the Two Kingdoms, with Commissioners for *Scotland*,

Scotland, did (according to their Duty) humbly beg leave to present to Her Majesty those the Effects of their continued and faithful Endeavours towards that End; that they were Articles agreed upon between Her Commissioners of both Kingdoms, as the Terms and Conditions upon which the Intended Union was to take place, if Her Majesty and the Parliament of both Kingdoms should think fit to Approve and Confirm the same.

THAT in these they had come to an Agreement in every Point they judged Necessary to effect a Compleat and Lasting Union, and they had endeavoured not to stir in any Matter they had Reason to think was not so; and that tho' they had unanimously carried that Treaty so far, purely from a Conviction that they had done therein to God, Her Majesty, and their Country, good Service, that yet they were far from thinking that what they had done would or ought to be of any Weight or Authority elsewhere, but did most entirely submit those their Labours to the High Wisdom of Her Majesty and both Her Parliaments to stand or fall by the Reason, Justice, and publick Utility, on which they were founded.

THAT Her Majesty's Royal Presence, and seasonable Admonitions to them at the fittest Junctures, were (they most thankfully acknowledged) a very great Encouragement and Assistance to them in the Difficulties they met with.

THAT Her Majesty's Glory was already Perfect, and that the Finishing of that Work was all that was wanting to compleat as well as secure the Happiness of so great a People as Her Subjects might now without any Arrogance pretend to be.

MIGHT

MIGHT Her Majesty Live not only to give a Sanction of this Universal Blessing to all Her People, but also to see in a long and prosperous Reign over them, the many immediate (or near) good Effects of it; but that as for that great and main Consequence of it, for which Her Majesty was making by a most gracious and charitable Foresight, that only effectual Provision, he meant the Continuance of Peace, and Tranquillity in that Island, upon a Descent of the Crown instead that of Bloodshed and Distraction, which would probably follow upon the fatal Division of it.

MIGHT they be so happy as never in their Days to experiment the Fitness of those Measures Her Majesty was now taking for that End; but might late, very late Posterity only, in that respect reap the Advantage of them.

THE Queen having made a very Gracious Answer to this, and the Chancellor of Scotland's Speech, we need make no Excursion into this Affair; and therefore having observed that the Duke of Marlborough having early this Campaign Fought and totally Routed the French Army at Ramellies, in the Netherlands, and the House of Lords after their Meeting having voted Him Thanks for his Eminent Services, the Lord-Keeper in their Name was pleas'd to say.

My Lord Duke of Marlborough,

I Am Commanded by this House to give your Grace their Acknowledgment and Thanks, for the Eminent Service you have done since the last Sessions of Parliament, to Her Majesty and your Country, together with their Confederates in this Just and Necessary War.

THOUGH

THOUGH your former Successes against the Power of France, while it remained unbroken, gave Reasonable Expectation that you should not fail to improve them, yet what your Grace has perform'd this last Campaign has far exceeded all Hopes, even of such as were most affectionate and partial to their Country's Interest, and your Glory. The Advantages you have gain'd are of such a Nature, so conspicuous in themselves, so undoubtedly owing to your Conduct and Courage, so sensible and universally beneficial in their Consequences to the whole Confederacy, that to attempt to adorn them with the Colouring of Wood, would be vain and inexcusable, and therefore I decline it; the rather because I should certainly offend that great Modesty which alone can and does add Lustre to their Actions, and which, in your Grace's Example, has successfully withstood as great Trials as that Vertue has met with in any Instance whatsoever. And I beg leave to say, that if any Thing could move your Grace to reflect with much Satisfaction on your own Merit, it would be this, That so August an Assembly does with one Voice praise and thank you; an Honour, which a Judgment so sure as that of your Grace's, to think rightly of every Thing, cannot but prefer to the Ostentation of a Publick Triumph.

The Duke of Marlborough having made a very Suitable Reply to this Congratulation and Thanks of the House of Lords by the Mouth of my Lord-Keeper, there is nothing more material concerning his Lordship that does occur to us (not to mention his Faithful, Diligent, judicious, and most Equitable Discharge of the great Trust repos'd in him) till about the Month of February, 1707. He had been for some Years a Widower, but having

no Children by his Lady, he thought fit to marry again, and having pitch'd upon a most Vertuous and Beautiful Gentlewoman, one Madam Clavering, the Nuptials were celebrated about this Time.

IT was not long after this that Her Majesty, as a Mark of her Singular Favour, was pleas'd to make him a Baron of the Realm of *England*, by the Stile and Title of *William, Lord Cowper, Baron of Wingham* in the County of *Kent*.

UPON the Compleating of the Union of the Two Kingdoms, on the First of *May* the Queen constituted my Lord *Cowper* to be Lord High Chancellor of *Great-Britain*, he being the first upon whom that great Honour was conferr'd; and it was then presumed it would have been the Title by which his Successors should for the future be always distinguish'd.

T H E R E being another Attempt form'd towards the Beginning of the Year 1708. to bring about great Alterations in the Ministry at Court, those who were to succeed in the Great Offices to be vacant were rather guessed at than certainly known. It's past Dispute that if the Mine had sprung well, and according to their Wishes, my Lord Chancellor was to be removed, and common Fame gave out that Sir S—— H—— should be advanced to his Place; but Matters taking quite another Turn, My Lord stood his Ground firmly, and continued still in Her Majesty's Favour.

T H E Prince of *Denmark*, Her Royal Consort, giving Way to Fate the latter End of *October*, the same Year, to the unexpressible Grief of Her Majesty, She thought fit to appoint Commissioners to represent Her Person in the Parliament

Parliament which was to be held in *November*; of which Number my Lord Chancellor being One, he made a Speech in the Name of the rest of them on the Eighth to both Houses; That in Pursuance to the Authority given him by Her Majesty's Commission under the *Great Seal*, among other Things to declare the Causes of Her Calling of that Parliament, they were by Her Majesty's Command in the first Place to observe to them, that the Extraordinary Length of that Year's Campaign had obliged Her Majesty to defer their Meeting longer than otherwise she would have done, that they might be informed with the greater Certainty of the State and Posture of the War, in order to their Resolutions for the ensuing Year.

T H A T this necessary Delay had now so far shewn them the Successes of Affairs abroad, as that whether they considered the Places acquired by the Allies, or the farther and continued Proofs given this Year of their Superior Courage and Conduct, (the which as to the Future Part of the Year was equal to all other Advantages,) they might with Thanks to God, and Justice to those he had been pleased to use as Instruments in that great Work, conclude that upon the whole, they were brought much nearer than they were last Sessions to the End of their Undertaking that War, the Reducing the Dangerous Power of *France*, and Settling such a Peace as might secure itself from being violated.

T H A T Her Majesty therefore commanded them to assure the Parliament, that She had not the least Doubt but they would be of the same Opinion with Her Last, as to the Vigorous Prosecution of the War, and the Ends of it; believing it impossible the Representatives
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of the *British* Nation would endure to think of losing the Fruits of their past Endeavours, and the great Advantages they had gained (particularly in that present Year) by submitting at last to an Unsecure Peace.

A N D that therefore since probably nothing could hinder their Success abroad for the Time to come, but Misunderstandings amongst themselves at Home, the Lords Commissioners had it in their Command to conjure them by their Duty to God, and to Her Majesty, their Zeal for the Protestant Religion, their Love for their Country, and the Regard they could not but have for the Liberty of *Europe* in general, to avoid all Occasions of Divisions, which were ever hurtful to the Publick, but would more especially be so at that Juncture, when the Eyes of all their Neighbours were upon them.

T H A T they could not but be convinced that several Parts of the War, which were provided for by the last Parliament, would require their Support at least in the same Degree; but that in *Flanders* the Nature of the War was much altered by the Great Advances made there towards entring into *France*, which had so alarm'd their Enemies, that they were drawing more Troops daily to that Side for the Defence of their own Country; and therefore Her Majesty hoped they would have so Right a Sense of their present Advantages, as to enable Her Majesty to make a considerable Augmentation for preserving and improving them, which by the Continuance of God's Blessings on their Arms, must soon put a Glorious Period to that Long and Expensive War.

T H A T as to the Condition of the Fleet, they had it in Command from Her Majesty to acquaint

quaint them, that the constant and remote Services, in which the Ships had been employed, had made a greater Sum than usual requisite, as well for the extraordinary Repairs as for Building New Ships: And thus the Taking of Port *Mahone*, as it had afforded the Means of having a Port for the Fleet to operate with more Effect and Readiness on the Enemy, or where-ever it might be useful to the Common Cause in those Parts; so the making such Provisions at so great a Distance as would be proper for that Service, must of Necessity cause some extraordinary Expences: That Her Majesty recommended all these to their Serious Consideration, desiring them to provide timely and effectual Supplies for those Ends, and likewise for carrying on such Fortifications for the Security of our Ports, and extinguishing the inward Hopes of profiting by Disturbance in *Scotland*, as they should think fit.

T H A T the Union was esteemed by Her Majesty to be so happy and great, that she was pleased to command them to remind the Parliament of preparing such Bills as should be conducing to that End, and particularly to make the Laws of both Parts of *Great-Britain* equal, as near as might be, for the Common Good of both People, especially as to those Laws which related to Criminal Cases and Proceedings, and settling the *Militia* on the same Foot in the united Kingdom.

T H A T Her Majesty was graciously pleased they should also assure them, that if they could propose any Means for the Improvement of our Trade, or Manufacture, for the better Employment of the Poor, Her Majesty would take the greatest Satisfaction in enacting such Provisions, there being nothing She

so earnestly desired, as that God would bless Her with more and more Opportunities of doing all possible Good to so well-deserving a People, so firm and so affectionate to Her Interest.

A N D that as Her Majesty did not doubt but by God's Blessing, and their good Affections, to continue to defeat the Designs of the Pretender, and his open and secret Abettors, so Her Majesty would always endeavour on Her Part to make Her People Happy to such a Degree, as that none (except of desperate Fortune) should enter into Measures for the Disturbance of Her Government, the Union or the Protestant Succession as by Law establish'd, without acting at the same Time manifestly against their own true and lasting Interest, as well as their Duty.

H E R Majesty living all this Time a very Retired and Melancholy Life upon the Occasion of the Prince's Death, the Lords and Commons, whether upon that or some other Account shall not now be the Subject of our Enquiry, joined in an Address that she would be pleas'd to entertain Thoughts of Remarrying, which on the Part of the House of Peers was presented to Her by the Lord Chancellor.

T H E Parliament of *Great-Britain* drawing to a Conclusion, and the many Bills that were ready being on the 21st of *April* passed by the Lords Commissioners appointed for that Purpose, the Lord Chancellor in the Name of the rest delivered himself to both Houses to this Effect, That being now by the Queen's Direction to put an End to that Session, they had it in Command from Her Majesty to assure them, Her Majesty was extremely sensible of the Zeal and Affection they had shewn

shewn for Her Service, and the Good of Her People, of the Prudence and Dispatch with which they had compleated the Important Business of that Session.

T H A T the Vigour and Firmness of their Proceedings had already had a very good Effect on Affairs Abroad, and there was Ground to hope, that by God's Blessing on Her Majesties Endeavours that that would every Day appear more and more evident.

T H A T they were in particular to return the Commons Her Majesty's Thanks, for having so timely and effectually provided the Supplies found necessary to the Prosecution of the War, with an Augmentation of those Forces, which in Conjunction with Her Allies, had, by God's Assistance, proved them the Present Advantages over the Common Enemy.

T H A T their Cheerfulness in giving such large Supplies at that Juncture, and the Ready Advances which had been made for their being Effectual, with so little Burden to the People, shew'd they perfectly understood how to make a right Use of their past Successes; and that nothing was too difficult for so Dutiful and Affectionate Subjects, acting in Defence of so Good a Cause.

T H E N addressing himself to the Lords and Commons, he said, That Her Majesty, thro' the whole Course of Her Reign, having been desirous to shew all possible Instances of Goodness and Clemency to Her Subjects, had now, for the strengthening the Union, and quieting the Minds of all Her Subjects throughout the United Kingdom, thought fit to grant them an Act of Grace and Free Pardon, in a more free and beneficial Manner than had been formerly used; not doubting but that all Her People would make a right use of, and suitable Returns on

their Part for so extraordinary an Indulgence.

THAT Her Majesty having also been graciously pleased to give her Royal Assent to the several Bills they had presented during that Session, commanded the Lords Commissioners to observe to them upon that Occasion, that the Life and Benefit of all Laws, how wisely soever they were framed, did chiefly consist in a due and regular Execution of them; and therefore to exhort them, that when they return'd to their Countries they would think it indispensably their Duty to set a good Example towards an Impartial and Steady Observation of the many good Laws which had been Enacted, (especially since the Revolution,) and which fell within their Province to execute.

THAT it being but too evident that the Defect, at present attending us, was not so much the want of New Laws, as the Neglect and Disregarding those already made.

THIS done, and his Lordship, pursuant to the Queen's Command, having prorogued the Parliament, we have nothing of State Matters farther to add; and therefore after having observed that his Lordship had a Son Born on the 4th of *August*, 1709, to Inherit his Honour and Estate, the Remainder of this Year he spent in the due and regular Execution of his great Office.

THE next Year having introduced great Convulsions in the State, the great Station his Lordship moved in could not possibly exempt him from feeling the Effects thereof: He presided at the Trial of Dr. *Henry Sacheverell* with his usual Candour and Dexterity; and the Changes which some Time after happened in the Ministry foreboded his Lordship was not Long-lived in his Place, which all Parties would have been pleased he should have continued

continued in, and some said Her Majesty Herself prest him to it: Be this as it will, no Man in the World held it with more Applause, and quitted it with a more general Reluctancy of all Sorts of People: But the Time approaching for dissolving the Old, and issuing out Writs for calling the New Parliament, his Lordship, about the 5th of September, was pleased to resign the Great Seal of *Great-Britain* into Her Majesty's Hands. Her Majesty for the present thought fit to commit the Seal to the Custody of Sir Thomas Trevor, Kt. Lord Chief Justice of the *Common-Pleas*, the Honourable Thomas Tracy, Esq; one of the Barons of the Exchequer in *England*, and ——— Scroop, Esq; one of the Barons of the Exchequer in *Scotland*; who having issued out Writs for Summoning another Parliament, and done no other Business, as Lords Commissioners, Her Majesty was pleased on the 18th of *October* to deliver the Great Seal into the Custody of Sir Simon Harcourt, Kt. then Attorney-General, with the Title of Lord-Keeper of the Great Seal of *Great-Britain*, in whose Hands it now remains with good Applause.

HENRY VI. King of *England*, being dispossessed of his Dominions by *Edward IV.* about 1460, and *Henry* thereupon retiring for Protection into *Scotland*, he was pleased to appoint Sir John Fortescue to be his Chancellor: This Gentleman was the Son of *Henry Fortescue*, and the Grandson of Sir John Fortescue, Kt. He was in his Youth brought up to the Study of the Law, and had been Lord Chief Justice some Time before he was made Chancellor. He wrote a Book, Intituled, *De Laudibus Legum Angliæ*: The Design of which was to shew the Excellency
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of the *English* Laws and Constitution, of which he instances in several Cases, and endeavours to prove it preferable to the Civil Law, in determining Causes Criminal and Property by Juries, and in making no Issue Legitimate Born before Marriage: He likewise endeavoured to shew the Benefit of a Constitution governed by Stated Laws, in the enacting of which the Subject has an Interest above a Government, which is wholly resolved into the absolute Pleasure of the Prince. This Book he wrote in *Berry in France*, during his Attendance on *Edward, Prince of Wales*, King *Henry's* Son, in order to recommend the Laws of *England* to the Esteem and Protection of that Young Prince; a very Noble and Honest Design: The Chancellor also writ a Tract against the Title of the House of *York*, which he afterwards recanted in his Declaration: So that 'tis likely he lived till after the Establishment of that House firmly on the Throne; but when and where he died I know not.

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London 1712

Biogr.c. 210-1

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